

EXHIBIT B

4:17-cv-04006-JST

2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

TRIAL EXHIBIT NO.	DEPO EXHIBIT NO.	DEPOSITION TRANSCRIPT	EXHIBIT BATES NO. OR IDENTIFICATION	DESCRIPTION	SPONSORING WITNESS	STIPULATED ADMISSIBILITY* (Y/N)	OBJECTION CODE	BASIS FOR OBJECTION	POSITION OF OFFERING PARTY
1000				Beauty and the Beast (1991) DVD - 25th Anniversary Edition	Taritero, Kershaw	N	402, 403	Not relevant to claims or defenses.	The 1991 animated movie <i>Beauty and the Beast</i> (" <i>BATB</i> ") is relevant to apportionment to show that factors other than the alleged infringement (namely, appreciation for the original film, storyline, characters, and music) drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1001				Beauty and the Beast (1991) Blu-ray + DVD - Diamond Edition	Taritero, Kershaw	N	402, 403	Not relevant to claims or defenses.	The 1991 animated movie <i>Beauty and the Beast</i> (" <i>BATB</i> ") is relevant to apportionment to show that factors other than the alleged infringement (namely, appreciation for the original film, storyline, characters, and music) drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1002				Beauty and the Beast (1991) Blu-ray 3D + Blu-ray + DVD - Diamond Edition	Taritero, Kershaw	N	402, 403	Not relevant to claims or defenses.	The 1991 animated movie <i>Beauty and the Beast</i> (" <i>BATB</i> ") is relevant to apportionment to show that factors other than the alleged infringement (namely, appreciation for the original film, storyline, characters, and music) drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1003				Beauty and the Beast (2017) Blu-ray	Taritero, Kershaw, Stankevich, Lane, Tinwell, Menache, Fier	Y			
1004				Beauty and the Beast (2017) Blu-ray 3D + Blu-ray 2D	Taritero, Kershaw, Stankevich, Lane, Tinwell, Menache, Fier	N	403	Duplicative. Not produced in discovery.	Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26(a), Defendant disclosed that it might use "Blu-ray discs containing copy of <i>Beauty and the Beast</i> " in its Rule 26(a)(1) disclosures and disclosed this specific disc copy of the movie under Rule 26(a)(3). Moreover, disc copies of the movie are publicly available and equally accessible to Plaintiffs. <i>See Home Decor Center, Inc. v. Google, Inc.</i> , 2013 WL 10858861, at *9 (C.D. Cal. May 9, 2013) (overruling objection that trial exhibits were not produced in discovery because documents "were easily accessible over the internet and were equally available" to objecting party).
1005				Beauty and the Beast (2017) DVD	Taritero, Kershaw, Stankevich, Lane, Tinwell, Menache, Fier	N	403	Duplicative. Not produced in discovery.	Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26(a), Defendant disclosed that it might use "Blu-ray discs containing copy of <i>Beauty and the Beast</i> " in its Rule 26(a)(1) disclosures and disclosed this specific disc copy of the movie under Rule 26(a)(3). Moreover, disc copies of the movie are publicly available and equally accessible to Plaintiffs. <i>See Home Decor Center, Inc. v. Google, Inc.</i> , 2013 WL 10858861, at *9 (C.D. Cal. May 9, 2013) (overruling objection that trial exhibits were not produced in discovery because documents "were easily accessible over the internet and were equally available" to objecting party).

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1006				Academy Reveals 21 Contenders for 2014 Sci-Tech Oscars	Perlman, LaSalle, Ievers, Van Der Laan, Cotter	Y			
1007		Hendler	REARDEN-FEINSILBER-0008488	Additional Photography Call Sheet 1	Taritero, Hendler, Steele	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Document not used in deposition.	There is no requirement that a trial exhibit have been used in deposition. The identified sponsoring witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial.
1008	1289	Perlman	REARDEN_MOVA196165	Amended and Restated Operating Agreement of Rearden Mova LLC	Perlman, Ievers	Y			
1009			REARDEN_MOVA228719	Amendment to Articles of Organization of MO2, LLC	Perlman, Ievers	Y			
1010	1006	Ievers		Artemis Networks LLC's Application to Register a Foreign Limited Liability Company	Perlman, Ievers	Y			
1011			REARDEN_MOVA019942	Articles of Organization of MO2, LLC	Perlman, Ievers	Y			
1012	1010	Tinwell		BATB Clip - Bridge Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1013	1330	Menache		BATB Clip - Bridge Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1014	1013	Tinwell		BATB Clip - Cold-Hearted Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1015	1014	Hendler		BATB Clip - Kitchen Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1016	1327	Menache		BATB Clip - Library Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1017	1329	Menache		BATB Clip - Show Me the Girl Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1018	1012	Tinwell		BATB Clip - Wolf Attack Scene	Lane, Taritero, Menache, Tinwell, Hendler	Y			
1019		Wunderlich (Opening Report)	WD-DD3-CP0003097	BATB Cost estimates internal	Wunderlich, LaSalle	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Expert reliance materials are not indepedently admissible. Offered for truth of the matter.	The document is an internal estimate prepared by Greg LaSalle of what DD3 might charge for MOVA work on BATB. Mr. LaSalle authenticated and laid a foundation for this exhibit at his deposition. The document is not being offered for the truth (i.e. that DD3 did in fact charge a certain amount for MOVA services on BATB). It is being offered as a data point Defendants' damages expert considered to estimate MOVA's potential value.
1020	1205	Hendler	WD-DD3-EB0001088	BATB DD3 Dashboard for 7/11/2016	Lane, Hendler	Y			

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1021		Lane (Opening Report)	WD-DD3-EB0001520	BATB DD3 Shot Forecast Productivity Detail for 5/23/2016	Lane, Hendler, Munro	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Expert reliance materials are not indepedently admissible. Offered for truth of the matter.	Hendler can lay foundation and authenticate, including for admission as a business record because this is a productivity tracker maintained in the ordinary course of business at the time (not excluded by the rule against hearsay under FRE 803(6)), although there is no genuine dispute about authenticity or foundation. Document is relevant to show the scope and status of DD3's work as of May 23, 2016, and that the June 2016 reshoots were scheduled weeks before the SHST preliminary injuncion issued.
1022		Wunderlich (Opening Report)	DIS-REARDEN-0033115	BATB Production Cost Report	Wunderlich, Taritero, Eggebrecht, Steele	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Expert reliance materials are not indepedently admissible. Offered for truth of the matter.	The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1023		Wunderlich (Rebuttal Report)	DIS-REARDEN-0034994	BATB revenues and expenses (through 2022)	Wunderlich, Taritero, Eggebrecht	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Expert reliance materials are not indepedently admissible. Offered for truth of the matter.	The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1024	1016	Tinwell		BATB Shot Breakdown	Lane, Menache, Tinwell, Hendler	Y			
1025		Kershaw (Opening Report)	DIS-REARDEN-0008219	BATB Sing Along Book	Kershaw, Taritero, Stankevich	Y			
1026			DIS-REARDEN-0000323	BATB _ TrailerI_ wGreenband_Stereo h264_720p .mov	Kershaw, Taritero, Stankevich	N	A*, F* (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)		This is the trailer for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1027			REARDEN-FEINSILBER-0000616	BATB Visual effects breakdown	Taritero	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Document not used in deposition.	There is no requirement that a trial exhibit have been used in deposition. The identified sponsoring witness has personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial.

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1028				Beast body mirror	Taritero, Steele, Hendler	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Not produced or used in deposition.	There is no requirement that a trial exhibit have been used in deposition. Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26, the visual effects tools and techniques that were used to facilitate and capture Dan Stevens' performance as The Beast were made known to Plaintiffs during discovery, FRCP 26(e)(1)(A), and this specific exhibit was timely disclosed under Rule 26(a)(3). The identified sponsoring witnesses can authenticate and lay a foundation to admit this exhibit into evidence. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1029				Beast body suit	Taritero, Steele, Hendler	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Not produced or used in deposition.	There is no requirement that a trial exhibit have been used in deposition. Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26, the visual effects tools and techniques that were used to facilitate and capture Dan Stevens' performance as The Beast were made known to Plaintiffs during discovery, FRCP 26(e)(1)(A), and this specific exhibit was timely disclosed under Rule 26(a)(3). The identified sponsoring witnesses can authenticate and lay a foundation to admit this exhibit into evidence. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1030				Beast facial rig	Taritero, Steele, Hendler	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Not produced or used in deposition.	There is no requirement that a trial exhibit have been used in deposition. Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26, the visual effects tools and techniques that were used to facilitate and capture Dan Stevens' performance as The Beast were made known to Plaintiffs during discovery, FRCP 26(e)(1)(A), and this specific exhibit was timely disclosed under Rule 26(a)(3). The identified sponsoring witnesses can authenticate and lay a foundation to admit this exhibit into evidence. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1031				Beast maquette	Taritero, Steele, Hendler	N	A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Not produced or used in deposition.	There is no requirement that a trial exhibit have been used in deposition. Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26, the visual effects tools and techniques that were used to facilitate and capture Dan Stevens' performance as The Beast were made known to Plaintiffs during discovery, FRCP 26(e)(1)(A), and this specific exhibit was timely disclosed under Rule 26(a)(3). The identified sponsoring witnesses can authenticate and lay a foundation to admit this exhibit into evidence. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.

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1032				Beast stilts	Taritero, Steele, Hendler	N		A*, F*, H. (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Not produced or used in deposition. There is no requirement that a trial exhibit have been used in deposition. Plaintiffs have not identified any discovery request that called for the production of this exhibit. To the extent this objection is premised on FRCP 26, the visual effects tools and techniques that were used to facilitate and capture Dan Stevens' performance as The Beast were made known to Plaintiffs during discovery, FRCP 26(e)(1)(A), and this specific exhibit was timely disclosed under Rule 26(a)(3). The identified sponsoring witnesses can authenticate and lay a foundation to admit this exhibit into evidence. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1033	1316	levers	DIS-REARDEN-0021158	Beauty and the Beast - Prep Calendar	levers, LaSalle, Wunderlich	Y			
1034		Kershaw (Opening Report)	DIS-REARDEN-0000569	Beauty and the Beast Commercial Test Report	Kershaw, Taritero, Stankevich	N		A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter. This is a business record reflecting Defendant's market research regarding commercials for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document reflects the results of commercial testing and is relevant because it identifies what drew audiences to the movie and what factors Defendant emphasized in its marketing. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.
1035		Kershaw (Opening Report)	DIS-REARDEN-0008284	Beauty and the Beast Entertainment Weekly Special Edition	Kershaw, Stankevich	N		H, 402	Offered for truth of matter. This exhibit is not hearsay because is not being offered for the truth; it is being offered to show what was being discussed in the media and publicly about <i>BATB</i> . It is relevant to damages to put into context the snippets of publicity that mention Mova, and to rebut Plaintiffs' claim that Mova was a topic of interest that drew media attention and audiences to the movie.
1036		Kershaw (Opening Report)	DIS-REARDEN-0000678	Beauty and the Beast Market Positioning Study	Kershaw, Taritero, Stankevich	N		A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter. This is a business record reflecting Defendant's market research regarding BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document is relevant because it reflects what drew audiences to the movie and what factors Defendant emphasized in its marketing. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.

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1037		Kershaw (Opening Report)	DIS-REARDEN-0002531	Beauty and the Beast Marketing Update	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record embodying Defendant's marketing plan for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. It also relevant for the non-hearsay purpose of showing what Defendant chose to emphasize in its marketing for the movie. The document is relevant because it reflects what drew audiences to the movie and what factors Defendant emphasized in its marketing. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement. Notably, Plaintiffs did not lodge a 402 objection to a duplicate of this document, Exhibit 1070.
1038		Kershaw (Opening Report)	DIS-REARDEN-0000764	Beauty and the Beast Opening Weekend In-Theatre Exit Polls	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's opening weekend in-theater exit polls of audiences who saw BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. Plaintiffs' expert, Phil Fier, relied heavily Defendant's exit polls, showing that this document is reliable and establishing that it also falls within the residual hearsay exception. The document is relevant because it reflects what drew audiences to the movie. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.

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1039		Kershaw (Opening Report)	DIS-REARDEN-0015077	Beauty and the Beast Opening Weekend In-Theatre Exit Polls	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's opening weekend in-theater exit polls of audiences who saw BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. Plaintiffs' expert, Phil Fier, relied heavily Defendant's exit polls, showing that this document is reliable and establishing that it also falls within the residual hearsay exception. The document is relevant because it reflects what drew audiences to the movie. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.
1040		Kershaw (Opening Report)	DIS-REARDEN-0000496	Beauty and the Beast Post-Release Tracking Report	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's market research for BATB after its release. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document is relevant because it reflects what drew audiences to the movie, including the effect of advertising and demographics. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.
1041		Kershaw (Opening Report)	DIS-REARDEN-0015958	Beauty and the Beast Recruited Audience Preview Report	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's market research for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document reflects Defendant's analysis of how a recruited audience responded to an early screening of the movie and its resulting recommendations for the movie and marketing. It is relevant because it reflects what drew audiences to the movie. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.

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1042		Kershaw (Opening Report)	DIS-REARDEN-0011344	Beauty and the Beast Recruited Audience Preview #2	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's market research for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document reflects Defendant's analysis of how a recruited audience responded to an early screening of the movie and its resulting recommendations for the movie and marketing. It is relevant because it reflects what drew audiences to the movie. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.
1043			DIS-REARDEN-0000326	Beauty and the Beast Trailer 2	Kershaw, Taritero, Stankevich	Y			
1044		Kershaw (Opening Report)	DIS-REARDEN-0000948	Beauty and the Beast Trailer Test #1	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record reflecting Defendant's market research for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document reflects Defendant's testing of a trailer for the movie and its identification of factors to emphasize in marketing. It is relevant because it reflects what drew audiences to the movie It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement. It is also relevant to put into context the snippets of publicity that mention Mova, and to rebut Rearden's claim that Mova was a topic of interest that drew media attention and audiences to the movie.

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1045				Belle Costume for Kids	Wunderlich, Taritero	Y			Defendant believes consumer products evidence is no longer relevant in light of the Court's ruling that there is no causal nexus between the alleged infringement and Defendant's consumer products and music revenues and suggested that both parties withdraw exhibits that are relevant only to that issue (TX1045 and TX167). Plaintiffs were unwilling to withdraw their consumer product exhibit (TX167), so Defendant retained TX1045 in case it needed to respond, but maintains that both exhibits are now irrelevant. If this exhibit were relevant and needed at trial, the identified sponsoring witnesses could lay a foundation for its admission.
1046				Belle's yellow dress	Taritero, Steele, Stankevich	N	A*, F* (*Rearden will withdraw A and F objections subject to reciprocal agreement on iPhone case (TX 167).		The identified sponsoring witnesses can authenticate and lay foundation for this exhibit. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation for this exhibit in advance of trial.
1047			DIS-REARDEN-0000327	Bookworm_DIBY6031H_Fearless60H31717 h264_720p.mov	Kershaw, Taritero, Stankevich	N	A, F	Document not used in deposition.	There is no requirement that a trial exhibit have been used in deposition. The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence.
1048		Wunderlich (Opening Report)	DIS-REARDEN-0033204	Breakdown of spend by vendor	Wunderlich, Taritero, Eggebrecht, Steele	N	A, F, H	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. The exhibit is taken from Defendant's internal accounting system and is plainly a business record. The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1049	1313	levers	DIS-REARDEN-0032022	Call Sheet 9 For Beauty and the Beast	levers, Taritero, Steele, LaSalle, Pearce	Y			
1050	1000	levers		Cindy levers' LinkedIn Profile	levers	Y			

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1051			DIS-REARDEN-0033575	Consolidated Vendor Spend	Wunderlich, Taritero, Eggebrecht	N	A*, F*, H (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	The exhibit is taken from Defendant's internal accounting system and is plainly a business record. The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1052			DIS-REARDEN-0033231	Consolidated Vendor Spend – All Vendors US/GB	Wunderlich, Taritero, Eggebrecht	N	A*, F*, H (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	The exhibit is taken from Defendant's internal accounting system and is plainly a business record. The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1053			DIS-REARDEN-0033576	Consolidated Vendor Spend for DD3 British Columbia	Wunderlich, Taritero, Eggebrecht	N	A*, F*, H (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	The exhibit is taken from Defendant's internal accounting system and is plainly a business record. The identified sponsoring fact witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated.
1054	186	Stevens	DIS-REARDEN-0028471	Stevens acting services agreement	Wunderlich, Taritero	Y			
1055	280	Munro	DE-DD3-0000544	DD3 All Beast Tasks Data	Munro, Hendler, Lane	Y			
1056	279	Munro	DE-DD3-0000543	DD3 All Mova Tasks Data	Munro, Hendler, Lane	Y			
1057	277	Munro	DE-DD3-0000538	DD3 Beast Shot Tasks Data	Munro, LaSalle, Hendler, Lane	Y			
1058	179	Port		DD3 Brimstone Video	Hendler, LaSalle, Steele, Taritero	Y			
1059	272	Munro		DD3 Business Records Declaration	Munro	N	H	Offered for truth of matter.	Plaintiffs have stipulated to the admissibility of exhibits authenticated by Ms. Munro's declaration. Accordingly, Defendant conditionally withdraws TX1059 and will not seek to introduce it at trial unless Plaintiffs change their position regarding those exhibits.

4:17-cv-04006-JST

2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

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1060	274	Munro	DE-DD3-0000309	DD3 Employee Roles for Beauty and the Beast	Munro, Hendler, Lane	Y			
1061	278	Munro	DE-DD3-0000539	DD3 Mova Tasks Data	Munro, Hendler, Lane	Y			
1062	281	Munro	DE-DD3-0000546	DD3 Shot Thumbnails	Munro, Hendler, Lane	Y			
1063	282	Munro		DD3 Shot Version Thumbnails of TRF0535	Munro, Hendler, Lane	Y			
1064	273	Munro, Fier Rebuttal	DE-DD3-0000308	DD3 Timecard Data for Beauty and the Beast	Munro, Hendler, Lane	Y			
1065	1283	Perlman		Defendants' Notice of Deposition of Rearden LLC and Rearden MOVA LLC	Perlman	N	402, H	Not relevant to claims or defenses.	This exhibit is not being offered for the truth of any matters asserted therein; it is being offered to provide context for the deposition testimony of Plaintiffs' FRCP 30(b)(6) designee, which is admissible agtains't Plaintiffs for any purpose under FRCP 32(3). The topics of examination contain no declaration of fact capable of being true or false and therefore are not hearsay. See, e.g. , <i>United States v. Chung</i> , 659 F.3d 815, 833 (9th Cir. 2011) (list that "contained no declaration of fact capable of being proven true or false" was not hearsay).
1066			REARDEN_MOVA010514	Defendants' Responses to First Set of Requests for Admission, SHST Litigation	Perlman, levers, Van der Laan, Cotter	N	H, 403	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shao</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay.")
1067	1287	Perlman	REARDEN_MOVA032617	DIDO Demo	Perlman	Y			
1068	1286	Perlman	REARDEN_MOVA032617	DIDO Demo - Metadata	Perlman	Y			
1069	1016	Hendler		Direct Drive BATB Shot Breakdown	Lane, Hendler, Tinwell	Y			
1070	1333	Menache	DIS-REARDEN-0002425	Defendant Marketing Plan for BATB	Kershaw, Taritero, Stankevich	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Offered for truth of matter.	This is a business record embodying Defendant's marketing plan for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. It also relevant for the non-hearsay purpose of showing what Disney chose to emphasize in its marketing for the movie.
1071		Kershaw (Opening Report)		Disney Movies, Beauty and the Beast Original Release Trailer	Kershaw, Taritero, Stankevich	Y			
1072		Kershaw (Opening Report)		DisneyMusicVEVO, Beauty and the Beast (From "Beauty and the Beast"/Official Video)	Kershaw, Taritero, Stankevich	Y			
1073		Menache		DMX shot history for ITD0670	Lane, Hendler	Y			

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1074			OL2_00289	Draft Letter of Intent to Purchase MOVA Property	Perlman, Lauder, LaSalle	N	H	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. As a draft contract, the Letter of Intent is a verbal act that is not hearsay. <i>See United States v. Yagi</i> , 2013 WL 10570994, at *21 (N.D. Cal. October 17, 2023) (contracts and contract offers are "verbal acts" and "not hearsay"); <i>Bezalel v. Innovative Operators, LLC</i> , No. 06-61673-CIV, 2008 WL 11331677, at *4 (S.D. Fla. July 2, 2008), aff'd, 347 F. App'x 449 (11th Cir. 2009) (unsigned contract non-hearsay).
1075	1291	Perlman	REARDEN_MOVA200193	Draft Operating Agreement of MOVA, LLC	Perlman, levers, LaSalle	N	106, 402, H	Draft document offered for truth of matter. No evidence that it is "complete."	The document is complete. The document is relevant to show MOVA's corporate structure, which is relevant to Plaintiffs' claim to own the copyright. As a draft contract, the document is not hearsay. <i>See United States v. Yagi</i> , 2013 WL 10570994, at *21 (N.D. Cal. October 17, 2023) (contracts and contract offers are "verbal acts" and "not hearsay"); <i>Bezalel v. Innovative Operators, LLC</i> , No. 06-61673-CIV, 2008 WL 11331677, at *4 (S.D. Fla. July 2, 2008), aff'd, 347 F. App'x 449 (11th Cir. 2009) (unsigned contract non-hearsay).
1076			REARDEN_MOVA018174	Letter from Alan Kalin to Greg LaSalle re: Terms of Engagement	Perlman, LaSalle,	Y			
1077	1235	Cotter	REARDEN_MOVA052457	Early MOVA Video	Lane, Menache, Perlman	Y			
1078			REARDEN-FEISNILBER-0004445	Email chain Re: Mova Power Transformers	Gaub, Taritero, LaSalle, Hendler, Steele	N	A*, F*, H, 402 (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Document not used in deposition. Offered for truth of matter.	LaSalle can lay foundation and authenticate in the event he is called live. Taritero or Steele could also authenticate the document at trial and lay foundation, including for admission as a business record because this is an email regularly sent in the course of production at the time (not hearsay under FRE 803(6)), although there is no genuine dispute about authenticity or foundation. Document is relevant to show that the June 2016 reshoots were scheduled before the SHST preliminary injunction issued based on production scheduling needs.
1079		Wunderlich (Opening Report)	REARDEN_MOVA222372	Email explaining billing for Green Lantern	Wunderlich, Perlman	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. The document is relevant because it explains the Green Lantern bill, which is not obvious from the face of that document. To the extent Rearden wishes to dispute the authenticity of its own internal email, Mr. Perlman can authenticate emails he received from Rearden employees. The email is not hearsay; it is a party opponent statement. FRE 801(d)(2).
1080			REARDEN_MOVA020090	Email from Alan Kalin to Greg LaSalle; CC Jenny Zhang re: FW: MO2 LLC	LaSalle, Perlman, Lauder	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. There is no real dispute regarding authenticity, but LaSalle can authenticate and lay foundation. The document is obviously relevant, as it goes to the MO2 acquisition of MOVA. It is not being offered for the truth of any matter asserted therein; it is being offered to show what Alan Kalan understood about who would manage the LLC and to show that there is no reference to Mr. Perlman and that Mr. Perlman was <u>not included</u> in these communications. Further, Rearden cannot logically claim that both Mr. Kalin and Mr. LaSalle were acting as its agents in the course of setting up MO2, LLC and also argue that their statments about hat subject are not those of a party opponenet, so the document should be admissible for the truth as well. FRE 801(d)(2).

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1081			REARDEN_MOVA019618	Email from Alan Kalin to Greg LaSalle; CC Steve Perlman re: Mova asset sale	Perlman, LaSalle	Y			
1082			REARDEN_MOVA019620	Email from Alan Kalin to Greg LaSalle; CC Steve Perlman re: Mova asset sale	Perlman, LaSalle	Y			
1083			REARDEN_MOVA019629	Email from Alan Kalin to Steve Perlman re: Mova asset Sale	LaSalle, Perlman	Y			
1084			REARDEN_MOVA018189	Email from Alan Kalin to Steve Perlman re: Mova asset Sale	Perlman, LaSalle	Y			
1085			REARDEN_MOVA019639	Email from Andrew Orr to Steve Perlman; CC Greg LaSalle re: MOva/OL2	Perlman, LaSalle	Y			
1086			REARDEN_MOVA036311	Email from Brooks Boles to Steve Perlman re: Appeal for MOVA facial capture authorship	Perlman	N	H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. The document is admissible for its effect on the reader, Mr. Perlman. Mr. Perlman's reaction at being omitted from the Science and Technical Award is relevant to his motivations for the lawsuit and his claim to own MOVA. Mr. Perlman's statements about MOVA are not hearsay; they are party opponent statements. FRE 801(d)(2).
1087	1166	Lauder	OL2_00131	Email from Charlie Jablonski to Eve Saltman, Gary Lauder; CC Etienne Hardman, Tom Paquin re: Mova and ILM	Lauder, Perlman, LaSalle	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Document is being offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1088	1169	Lauder	OL2_00192	Email from Charlie Jablonski to Eve Saltman; CC Gary Lauder, Etienne Handman, Tom Paquin re: Privileged and Confidential- Mova Update	Lauder, Perlman, LaSalle	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Document is being offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1089	57	Perlman	WD-KP0001574	Email from Cyrus Wilson to Ken Pearce re: Academy Sci-Tech Inquiry: R&H rig solver technology	Perlman, Pearce, LaSalle	N	A, F, H, 402	Perlman not on email. Offered for truth of the matter.	Defendant withdraws this exhibit.

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1090	225	Steele	DIS-REARDEN-0026259	Email from Dave Taritero to Mimi Steele; CC Joseph Bonander, Alia Tarraf re: MOVA Lawsuit	Taritero, Steele	Y			
1091			REARDEN-FEINSILBER-0008480	Email from Ella Daines-Smith re: Beauty and the Beast Additional Photography Shoot Day 01 Tuesday 14th June 2016 and attached call sheets	Taritero, Steele	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. The document is a call sheet for <i>BATB</i> and was sent regularly in the course of production at the time by the production team; as such, it falls within the business record exception to the hearsay rule under FRE 803(6). Taritero and Steele can testify to these facts from their role. To eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. It shows that the timeline for production was established well before the preliminary injunction issued in the SHST litigation and therefore goes to liability issues.
1092			OL2_00178	Email from Eve Saltman to Charlie Jablonski, Gary Lauder, Tom Paquin re: Patent Assignment	LaSalle, Lauder	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. Email is not offered for its truth but to show what Lauder and OL2 understood and believed about OL2's transaction with LaSalle. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). The document also shows the effect on the listener, i.e., the recipients' reactions upon learning of Perlman's claim against LaSalle. This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1093			OL2_00228	Email from Gary Lauder to Eve Saltman re: Introduction and Help Needed	Lauder	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. Lauder can authenticate and lay foundation for the document at trial. Document is being offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements").
1094			OL2_00142	Email from Gary Lauder to Eve Saltman; CC Charlie Jablonski, Tom Paquin re: Mova Letter of Intent for Asset Sale and Nonexclusive License Back	Lauder	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. Lauder can authenticate and lay foundation for the document at trial. Document is being offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.

4:17-cv-04006-JST

2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

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1095	1165	Lauder	REARDEN_MOVA019597	Email from Gary Lauder to Greg LaSalle; CC Charlie Jablonski, Eve Saltman, re: Mova thoughts	LaSalle, Lauder	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Document is being offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1096		Lauder	WD-KP0000050	Email from Gary Lauder to Ken Pearce re: Fwd: MOVA / Defendant	Lauder, Pearce	N	A, F, H, 402	Document not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit have been used in deposition. This is an email between Gary Lauder and Bob Iger (CEO and Chairman of the Walt Defendant Company). There is no genuine dispute about authenticity, but Lauder can plainly authenticate and lay a foundation at trial. The email is not being offered to prove the truth of any matter asserted therein; it is being offered to show effect on listener and belief at the time, namely, that Iger was told Lauder had acquired OnLive at the time of these emails. It is irrelevant whether that statement was true or false; the email is being offered to establish contemporaneous belief. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). The email is relevant to liability issues, including Plaintiffs' ownership of the copyright at issue and Defendant's vicarious liability.
1097	1161	Lauder	REARDEN_MOVA019591	Email from Gary Lauder to Ken Pearce re: Meeting regarding MOVA?	Lauder, Pearce	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Document is being offered to show what Lauder understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1098	1159	Lauder	OL2_00119	Email from Gary Lauder to Kevin Mayer; CC Robert Bay re: Getting back to you regarding MOVA	Lauder, Mayer	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Document is being offered to show what Lauder understood about interest in purchasing Mova assets, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability..

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1099	1156	Lauder	OL2_00066	Email from Gary Lauder to Nancy Cox re: Fwd: Follow-up: lunch, MOVA, patents	Perlman, Lauder	N	A, F, H, 402	Lauder did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Lauder did authenticate the document, and as a sender and recipient on the email chain, Lauder laid foundation for the document. Steve Perlman's statements are not hearsay under FRE 801(d)(2). Lauder's statements are offered to show what he understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 2014), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). This is relevant to liability and, specifically, whether Plaintiffs own the copyright at issue.
1100	1312	levers	WD-DD3-GL0000057	Email from Greg LaSalle to Andrea Biklian re: Full Tilt expenses	levers	N	A, F, H, 402	levers did not have foundation for this document. Offered for truth of matter.	The email is a cover letter to a document Plaintiffs' damages expert Ms. levers relies on in forming her opinions. Ms. levers does not need foundation because the purpose of the document is that she did not consider the document when forming her opinion. The document is relevant because it shows material Ms. levers did not consider in forming her opinions. The document is not hearsay because it is not offered for its truth; it is offered to show who the spreadsheet Ms. Ms. levers relied on was sent to (i.e., other DD3 personnel and not Defendant).
1101	1185	LaSalle	WD-DD3-GL0009547	Email from Greg LaSalle to Andy Hendrickson re: Mova Meeting	LaSalle	Y			
1102	1182	LaSalle	WD-KP0017756	Email from Greg LaSalle to Andy Hendrickson; CC Ken Pearce re: Mova and Zurich face capture	LaSalle	N	A, F, H, 402	LaSalle didn't offer foundation. Offered for truth of matter.	LaSalle authenticated and laid foundation for the document at deposition. To the extent he did not do so, he could do so in the event he testifies live, but there is not genuine dispute about authenticity or foundation. The document is not offered for its truth. It is offered to show the effect on the listener (Hendrickson) in response to LaSalle and Pearce's inquiry about licensing Disney's technology. LaSalle and Pearce's statements are also non-hearsay statements of a party opponent under FRE 801(d)(2) because at the time of the email they were OnLive employees acting within the scope of their duties. This is relevant to liability.
1103			REARDEN_MOVA019604	Email from Greg LaSalle to Eve Saltman, Charlie Jablonski; CC Ken Pearce, Tom Paquin re: MOVA	Perlman, LaSalle, Lauder	N	A, F, H, 402	The document is not complete because it omits one or more pages in the email string. Not used in deposition. Offered for truth of matter.	The document is complete as it was produced in this form by Rearden from Rearden's files. There is no requirement that a trial exhibit be used in deposition. The document is not offered for the truth of the matter asserted but to show OL2 executives' understanding of the transaction between MO2 and OL2. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 2014), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). The document is relevant to rebut Rearden's claim that OL2 transferred the MOVA assets to a Rearden subsidiary. LaSalle and Lauder could also authenticate and lay foundation for the document at trial, but there is no genuine dispute about authenticity or foundation. Although Lauder is not listed on the email, he owned OL2 and would be familiar with his executives' communications. This is relevant to liability.

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1104	1164	Lauder	REARDEN_MOVA019598	Email from Greg LaSalle to Gary Lauder, Ken Pearce; CC Charlie Jablonski, Eve Saltman re: Mova thoughts	Lauder, LaSalle, Pearce	N	H	Offered for truth of matter.	Offered to show what Lauder and others at OL2 understood about the transaction with MO2, not for truth. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements").
1105	1250	Cotter	REARDEN_MOVA160811	Email from Greg LaSalle to Michael Toy re: RE: un-calibrated	LaSalle	N	A, F, H, 402	Cotter did not show that he had foundation regarding the document and did not authenticate it. Offered for truth of matter.	Cotter testified about the email at pages 153:18-155:9, establishing foundation and authentication and there is no genuine dispute about either. Document is relevant to show level of research and development for MOVA. Document is a non-hearsay statement of a party opponent because OnLive was a Rearden controlled company in 2010. FRE 801(d)(2).
1106			REARDEN_MOVA074294	Email from Greg LaSalle to Steve Perlman re: Defendant follow-up	LaSalle, Perlman	N	H	Dupe of 1107.	Defendant withdraws this exhibit as a duplicate.
1107	1181	LaSalle	REARDEN_MOVA074294	Email from Greg LaSalle to Steve Perlman re: Disney Follow-up	Perlman, LaSalle	Y			
1108			REARDEN_MOVA074301	Email from Greg LaSalle to Steve Perlman re: Mova update	Perlman, LaSalle	Y			
1109	1155	Lauder	REARDEN_MOVA019579	Email from Greg LaSalle to Steve Perlman, Ken Pearce re: MOVA proposal	Perlman, LaSalle	Y			
1110	108	LaSalle	WD-DD3-GL0000766	Email from Greg LaSalle to Steve Preeg, Kelly Port, Gayle Munro re: Mova Beast	LaSalle	Y			
1111	91	LaSalle	WD-DD3-CP0003622	Email from Joanna Capitano to Carla Attanasio re: MOVA Rig Question	Taritero, LaSalle	N	H	Offered for truth of matter.	The document is not being offered for its truth but to show that Plaintiffs' actual damages expert did not consider or review documents regarding the rig's location in the UK.
1112	219	Mayer	DIS-REARDEN-0015479	Email from Justin Warbrooke to Kevin Mayer re: Mova / Disney	Taritero, Mayer	Y			
1113			DIS-REARDEN-0015567	Email from Justin Warbrooke to Kevin Mayer re: Mova / Defendant	Taritero, Perlman, Mayer	N	A, F, H	Not used in deposition. Offered for truth of matter.	There is not a requirement that a trial exhibit be used in deposition. The document is not offered for its truth but to show Defendant's awareness/belief that OnLive was going out of business and no longer owned MOVA. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). The document is also a business record that records Defendant's analysis. FRE 803(6).
1114	184	Port	WD-GL0000497	Email from Kelly Port Re: The Beast has left the building!	Hendler, LaSalle, Pearce, Port	N	H	Offered for truth of matter.	Defendant does not intend to offer the exhibit for its truth, but to use as needed to refresh recollection.

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1115		Steele	WD-DD3-CP0003101	Email from Kelly Port to Mimi Steele; CC Steve Gaub, Joanna Capitano, Gayle Munro re: BEAST Development	Taritero, Steele	N	A, F, H	Not used in deposition. Offered for truth of matter.	There is not a requirement that a trial exhibit be used in deposition. Mimi Steele could authenticate and lay foundation in the event she testifies live at trial and there is no genuine dispute about authenticity or foundation. The document is not offered for its truth, but to show Defendant's understanding and awareness of the Beast design. <i>See, e.g., W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements").
1116	1183	LaSalle	REARDEN_MOVA028083	Email from Ken Pearce to Andy Hendrickson cc: Greg LaSalle re: MOVA Inquiry	LaSalle	N	A, F, H	LaSalle did not establish foundatino. Offered for truth of matter.	This is an email between Ken Pearce, Greg LaSalle, and Andy Hendrickson. Authenticity and foundation were established by both Mr. LaSalle and Mr. Hendrickson at their depositions, and are not genuinely disputed. The email is not being offered to prove the truth of any matter asserted therein; it is being offered to show effect on listener and Mr. Hendrickson's belief at the time, namely, that Mr. Hendrickson believed Mr. Lauder had acquired MOVA's parent company OnLive and that all the MOVA assets had come under new ownership at the time of these emails. It is irrelevant whether those facts were true or false; the email is being offered to establish Mr. Hendrickson's contemporaneous belief. <i>See, e.g. , W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements"). The email is relevant to liability and, specifically, whether Plaintiff owns a copyright in the MOVA Contour software.
1117	1180	LaSalle	REARDEN_MOVA140798	Email from Ken Pearce to Ken Pearce re: Questions for Andy	LaSalle	N	A, F, H, 402	LaSalle has no foundation. Offered for truth of matter	This is a non-hearsay statement of a party opponent because it was made by Ken Pearce while he was employed by OnLive when OnLive was controlled by Rearden. FRE 801(d)(2). It is relevant to show Plaintiffs' awareness that Defendant was not interested in purchasing MOVA. Pearce and/or LaSalle could authenticate and lay foundation for the document at trial.
1118	1177	LaSalle	REARDEN_MOVA141111	Email from Ken Pearce to Kim Librerer; CC Greg LaSalle re: MOVA discussion next week?	LaSalle	Y			
1119	1179	LaSalle	REARDEN_MOVA140784	Email from Ken Pearce to Terri Shevy; CC Greg LaSalle re: Face Scanner	LaSalle	Y			

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1120	251	Hendley	DIS-REARDEN-0004940	Email from Michelle Rasic to various recipients re: Beauty and the Beast - Reviews	Kershaw, Tinwell	N	A, F, H	Kershaw and Tinwell lack foundation. Offered for truth of matter.	This is a compilation of published reviews of <i>BATB</i> that was compiled in the ordinary course of business. Authenticity and foundation as a business record under FRE 803(6) were established at Mr. Hendley's deposition. The Parties have agreed that expert witnesses may sponsor business records that have been so authenticated. The exhibit also is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1121	236	LaSalle	WD-DD3-GL0006661	Email from Michelle Winze to Greg LaSalle re: BATB Mova Cost estimates	LaSalle and/or Wunderlich	Y			
1122			REARDEN_MOVA185112	Email from Mike McGarvey to Steve Perlman re: Disney and Warner Bros. meetings on Monday	Perlman	Y			
1123		Steele	DIS-REARDEN-0004833	Email from Mimi Steele to Steve Gaub re: DD	Taritero, Steele	Y			
1124		Wunderlich (Opening Report)	REARDEN_MOVA106410	Email from Robin Fontaine to Shaveta Verma; CC Cindy levers re: Audit selections for Mova AR	Wunderlich, levers	N	A, F, H, 106, 402	Not used in deposition. Offered for truth of matter. Document is incomplete because it omits the attached spreadsheet.	There is no requirement that a trial exhibit have been used in deposition. The document is an email between Plaintiffs' employees and is therefore a non-hearsay statement of a party opponent. FRE 801(d)(2). To the extent Plaintiffs wish to dispute the authenticity of their own internal email, levers can authenticate emails she received from Plaintiffs' employees. Defendant has no objection to including any attachments Plaintiffs produced with this document.
1125		Kershaw (Opening Report)	DIS-REARDEN-0015957	Email from Sean Bailey to Alan Horn re: FW: Beauty and the Beast - Final Report	Kershaw, Taritero	N	A, F, H, 106	Not used in deposition. Witnesses lack foundation. Offered for truth of the matter. Incomplete because it omits the attachment.	There is no requirement that a trial exhibit have been used in deposition. The document is offered for the non-hearsay purpose of showing how Defendant's executives responded to a screening of the movie. The hearsay statement that the movie was screened in rough form is admissible as a business record under FRE 803(6). The attachment was not appended to the top email in the chain so the document is complete and was produced as maintained.

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1126		Wunderlich (Opening Report)	REARDEN_MOVA106412	Email from Shaveta Verma to Robin Fontaine re: details requested by Auditors	Wunderlich	N	A, F, H, 402	Not used in deposition. Witnesses lack foundation. Offered for truth of the matter.	There is no requirement that a trial exhibit have been used in deposition. The document is an email between Plaintiffs' employees and is therefore a non-hearsay statement of a party opponent. FRE 801(d)(2). The email is being offered to rebut Plaintiffs' actual damages expert and to show documents she failed to consider.
1127			MAND-REARDEN-0000862	Email from Steve Gaub to David Hoberman, Tendo Nagenda; CC Jessica Virtue, Mimi Steele, Todd London, Gregg Fishman re: BATB: State of the Beast Union	Taritero, Steele	N	A, F, H, 402	Not used in deposition. Witnesses lack foundation. Offered for truth of the matter.	There is no requirement that a trial exhibit have been used in deposition. There is no genuine dispute about authenticity or foundation, but Ms. Steele received this email, so can plainly authenticate and lay a foundation for it. The email is not being offered to prove the truth of any matters asserted therein; it is being offered to show that as of April 23, 2016--months before the preliminary injunction issued in the SHST litigation--the VFX supervisors, producers, and executives overseeing <i>BATB</i> were informed and believed that the picture would be locked on April 29 and that final VFX would be due July 15. It is irrelevant whether those statements or the belief proved to be true or false; the email is being offered to establish contemporaneous belief. See, e.g., <i>W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), as amended (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements").
1128			REARDEN-FEINSILBER-0001965	Email from Steve Gaub to Kelly Port, Gayle Munro, et al. re: BATB: Latest Director Priorities	Port, Gaub, Steele	N	A, F, H, 402	Not used in deposition. Witnesses lack foundation. Offered for truth of the matter.	There is no genuine dispute about authenticity or foundation. The identified sponsoring witnesses could authenticate or lay foundation and Ms. Steele could also confirm that this email reflects her understanding of DD3's representations to Defendant. It is not being offered for truth; it is being offered to show effect on listener/what Defendant believed and to rebut Plaintiffs' arguments about the efficacy and efficiency of MOVA.
1129			REARDEN_MOVA020101	Email from Steve Perlman to Alan Kalin re: MOVA Asset Sale LOI-Draft v 3.DOC	Perlman	N	H, 402	Offered for truth of matter.	Mr. Perlman's statement about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). This email is relevant to liability and ownership of the copyright because it shows Perlman's state of mind at the time of the MOVA asset sale.
1130			REARDEN_MOVA019650	Email from Steve Perlman to Alan Kalin; CC Greg LaSalle re: Attorney-Client Privileged	Perlman, LaSalle	Y			
1131			REARDEN_MOVA019606	Email from Steve Perlman to Alan Kalin; CC Greg LaSalle re: Referral to help with Mova asset sale	Perlman, LaSalle	Y			
1132	1264	Van der Laan	REARDEN_MOVA036281	Email from Steve Perlman to Brooke Boles re: Appeal for Mova facial capture authoriship	Perlman	N	H, 402	Offered for truth of matter.	Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.

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1133			REARDEN_MOVA010479	Email from Steve Perlman to Brooke Boles re: Appeal to MOVA facial capture authorship	Perlman	N	H, 402	Not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit be used at deposition. Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.
1134			REARDEN_MOVA036269	Email from Steve Perlman to Gale Hurd re: Appeal to Academy Sci-Tech Council	Perlman	N	H, 402	Not used in deposition. Offered for truth of matter.	There is no requirement that a trial exhibit be used at deposition. Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.
1135	1154	Lauder	REARDEN_MOVA019576	Email from Steve Perlman to Gary Lauder re FW: MOVA proposal	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1136	1157	Lauder	REARDEN_MOVA019583	Email from Steve Perlman to Gary Lauder re: Follow-up	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission). It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1137	1153	Lauder	REARDEN_MOVA019574	Email from Steve Perlman to Gary Lauder re: Follow-up: lunch, MOVA, patents	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1138	1162	Lauder	REARDEN_MOVA019585	Email from Steve Perlman to Gary Lauder re: Greg and Ken and MOVA assets	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1139	1163	Lauder	REARDEN_MOVA019594	Email from Steve Perlman to Gary Lauder re: Meeting regarding MOVA?	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1140	1151	Lauder	OL2_00082	Email from Steve Perlman to Gary Lauder re: Mova	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1141	1293	Perlman	REARDEN_MOVA019573	Email from Steve Perlman to Gary Lauder re: MOVA proposal	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1142	1152	Lauder	REARDEN_MOVA019573	Email from Steve Perlman to Gary Lauder re: MOVA proposal	Perlman, Lauder	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant because it shows the value of MOVA at the time, what Lauder understood to be Perlman's position, and Perlman's state of mind.
1143			REARDEN_MOVA000415	Email from Steve Perlman to Greg LaSalle re: MOVA Possibilities	Perlman, LaSalle	Y			
1144			REARDEN_MOVA021015	Email from Steve Perlman to Greg LaSalle re: MOVA/OL2	Perlman, LaSalle	Y			
1145			REARDEN_MOVA020071	Email from Steve Perlman to Greg LaSalle, Alan Kalin re: Mova asset sale	Perlman, LaSalle	Y			
1146			REARDEN_MOVA020117	Email from Steve Perlman to Greg LaSalle, Alan Kalin re: MOVA/OL2	Perlman, LaSalle	Y			
1147			REARDEN_MOVA019644	Email from Steve Perlman to Greg LaSalle; CC Alan Kalin re: MOVA/OL2	Perlman, LaSalle	Y			

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1148			REARDEN_MOVA105636	Email from Steve Perlman to Justin Warbrooke re: Meeting	Perlman, Taritero	Y			
1149	1288	Perlman	REARDEN_MOVA036387	Email from Steve Perlman to Link Huang, Anil Unnikrishnan, Dimitar Dinev; CC Cindy levers re: Enquiry Regarding CONTOUR	Perlman	Y			
1150	1268	Fontaine	REARDEN_MOVA187237	Email from Steve Perlman to Robin Fontaine; CC Mike McGarvey, Tom Paquin re: Contour price positioning	Perlman, Fontaine	N	H, 402	Offered for truth of matter.	This is a party admission. It is relevant for multiple reasons, including because it establishes that MOVA's profitability for Rearden and because it is contrary to Rearden's litigaiton position that overhead is not a deductible expense.
1151			REARDEN_MOVA019999	Email from Steve Perlman to Susan Zwerman re: Appeal regarding authorship attribution of Mova facial capture award	Perlman	N	H, 402	Offered for truth of matter.	Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.
1152			REARDEN_MOVA036275	Email from Steve Perlman to Susan Zwerman re: Appeal regarding authorship attribution of MOVA facial capture award	Perlman	N	H, 402	Offered for truth of matter.	Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.
1153			REARDEN_MOVA036283	Email from Steve Perlman to Susan Zwerman re: Appeal regarding authorship attribution of MOVA facial capture award	Perlman	N	H, 402	Offered for truth of matter.	Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). Regardless, this email is being offered to show the speaker's state of mind and to show that Mr. Perlman contested being excluded from the Sci-Tech award to MOVA. Mr. Perlman's reaction is relevant to his motivations for the lawsuit and his claim to own MOVA.
1154	1299	Perlman	REARDEN_MOVA126970	Email from Steve Perlman to Tim Cotter; CC John Speck, Greg LaSalle, Ken Pearce re: 3d capture	Perlman, LaSalle	N	H, 402	Offered for truth of matter.	Mr. Perlman's statements about MOVA are non-hearsay statements of a party opponent. FRE 801(d)(2). It is relevant because it shows the state of MOVA at the time and its value to Plaintiffs.
1155			REARDEN_MOVA020143	Email from Steve Perlmant to Alan Kalin re: Revised Mova Membership Interest and Asset Sale Agreement	Perlman	Y			
1156	1248	Cotter	REARDEN_MOVA075419	Email from Tim Cotter to Steve Perlman re: mova	Perlman	Y			
1157		Taritero	DIS-REARDEN-0021079	Email from Mark Brown to Dave Taritero re: 3D head scan vendors	Taritero	N	A, F, H, 402	Taritero has not established that he has foundation and can authenticate. Offered for truth of matter.	There is no genuine dispute about authenticity or foundation. The identified sponsoring witness, Taritero, sent and received the emails in this exhibit. The exhibit is not being offered for the truth of any matter asserted therein, it is being offered to show Taritero's state of mind, namely, that he believed "The mova folks are at digital domain in playa vista" at the time of these emails. It is irrelevant whether that belief was true or false; the email is being offered to establish the witness's contemporaneous belief. See, e.g. , <i>W. Coast Life Ins. Co. v. Clark</i> , 24 F. Supp. 3d 933, 937 n.2 (C.D. Cal. 204), <i>as amended</i> (June 27, 2014) ("the statement are not hearsay when used to show what [the speaker] believed or intended at the time he made the statements").

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2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

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1158		Wunderlich (Opening Report)	WD-DD3-CP0003418	Email from Michelle Winze to Joanna Capitano and Heather Jennings re: BATB & Wham cost estimates	Wunderlich, LaSalle	N	A, F, H, 402, 106	Witnesses cannot authenticate and have no foundation. Document is incomplete because it omits the attachments.	Defendant withdraws this exhibit.
1159		Wunderlich (Opening Report)	WD-DD3-CP0003096	Email from Michelle Winze to Ola Mota re: BATB & Wham Mova paperwork	Wunderlich, LaSalle	N	A, F, H, 402, 106	Witnesses cannot authenticate and have no foundation. Document is incomplete because it omits the attachments.	Defendant withdraws this exhibit.
1160	1186	Hendler	WD-DD3-EB0001108	Email from Jenne Guerra to Bill Higgins et al re BATB DD3 Dashboard for 6/27/2016 and attachments	Hendler	Y			
1161	32	Hoberman	MAND-REARDEN-0000241	Email from Jeffrey Silver to Bill Condon re: Beast CGI plan	Taritero, Steele	N	A, F, H, 402, 106	Witnesses cannot authenticate and have no foundation. Document is incomplete because it omits the attachments. Offered for truth of the matter.	Taritero or Steele could authenticate the document at trial and lay foundation, including for admission as a business record (not hearsay under FRE 803(6)), although there is no genuine dispute about authenticity or foundation. In addition, the document is not being offered for its truth, but to show the production team's awareness of and beliefs about available options. The document is relevant to show the development of the CG Beast and MOVA's minimal contribution to that effort. The document is complete as produced by third-party Mandeville Films.
1162		Russell (Opening Report)	REARDEN_MOVA202751	Email from Eve Saltman to Steve Perlman et al re: MOVA contracts for Avengers and attachments	Perlman, LaSalle, Russell	N	A, F, H, 402, 106	Incomplete document that omits attachments, Russell and LaSalle lack foundation and cannot authenticate	Plaintiffs produced this email among their employees from their own files. There is no genuine dispute about authenticity or foundation. Greg LaSalle could authenticate and lay foundation for the document at trial. As an expert, Robin Russell could rely on and sponsor the document if Plaintiffs' objections are overruled. The document is non-hearsay because, at the time Saltman sent the email, OnLive was controlled by Rearden, making it the statement of a party opponent under Rule 801(d)(2). The document alos is non-hearsay because it summarizes the contents of Plaintiffs' contracts, which are verbal acts and non-hearsay. The document is relevant to show Rearden's standard terms for entering into MOVA contracts, which helps establish the industry practice for these types of agreements, and is relevant to whether Defendant had ability to control DD3's alleged infringement.

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1163	1271	Fontaine	REARDEN_MOVA049846	Email from Doug Milnes to Robin Fontaine, Shaveta Verma, and Cindy levers re: "Mova financials"	Perlman, levers	N	A, F, H, 402, 106	Incomplete document, omits attachments. Offered for truth of matter.	This is an email attaching the MOVA financials. The financials are a separate trial exhibit at TX1412. Defendant has no opposition to offering the documents together. The MOVA financials were produced by Plaintiffs from their own files and are Plaintiffs' own business records. Both levers and Fontaine authenticated these documents, laid foundation, and established them as business records at deposition and Plaintiffs obviously have no genuine dispute about the authenticity of their own records. The MOVA financials are relevant to Rearden's claimed actual damages.
1164	1160	Lauder	OL2_00310	Email from Mellody Hobson to Gary Lauder re: "Selling MOVA to ILM"	Lauder	N	H, 402	Offered for truth of matter.	The document is relevant to show that OL2 was attempting to sell MOVA to third-parties, which is relevant to Perlman's claims that he was seeking to acquire MOVA. The document is admissible for its effect on the listener, i.e., to show Lauder could not identify a third-party buyer for MOVA. The document is also admissible to show notice to third-parties that OL2, not Rearden, owned MOVA in October 2012.
1165	1176	LaSalle	REARDEN_MOVA124130	Email from Greg LaSalle to Kim Libreri et al re: Mova	LaSalle	Y			
1166			REARDEN_MOVA018174	Engagement Letter between Bingham McCutcheon LLP and MO2, LLC	LaSalle, Perlman	N	F, H, 402	Unsigned draft. LaSalle lacks foundation. Offered for truth of matter.	The engagement letter is a verbal act that is not hearsay. See <i>United States v. Yagi</i> , 2013 WL 10570994, at *21 (N.D. Cal. October 17, 2023) (contracts and contract offers are "verbal acts" and "not hearsay"); <i>Bezalel v. Innovative Operators, LLC</i> , No. 06-61673-CIV, 2008 WL 11331677, at *4 (S.D. Fla. July 2, 2008), aff'd, 347 F. App'x 449 (11th Cir. 2009) (unsigned contract non-hearsay). LaSalle laid foundation for this document at the SHST trial and was the person responsibel for the attorney-client relationship with MO2. The agreement is relevant to show the attorney-client relationship between Bingham McCutcheon and MO2, LLC, which is relevant to Rearden's claim that MO2, LLC was formed as a Rearden subsidiary.
1167		Kershaw (Opening Report)		Entertainment Weekly, Kids Ask Emma Watson About 'Beauty and the Beast'	Kershaw	N	H, 402	Offered for truth of matter	This exhibit is not hearsay because it is not being offered for the truth; it is being offered to show what was being discussed in the media and publicly about <i>BATB</i> . It is relevant to damages to put into context the snippets of publicity that mention Mova, and to rebut Plaintiffs' claim that Mova was a topic of interest that drew media attention and audiences to the movie.
1168	1316A	levers		Excerpt of 1316, Beauty and the Beast - Prep Calendar	levers	Y			
1169	239	Hendler		Exhibit 1 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (MSM0250)	Lane, Hendler	Y			
1170				Exhibit 2 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (MSM0250 all entries)	Lane, Hendler	Y			
1171				Exhibit 3 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250_Mova Pip)	Lane, Hendler	Y			

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2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

TRIAL EXHIBIT NO.	DEPO EXHIBIT NO.	DEPOSITION TRANSCRIPT	EXHIBIT BATES NO. OR IDENTIFICATION	DESCRIPTION	SPONSORING WITNESS	STIPULATED ADMISSIBILITY* (Y/N)	OBJECTION CODE	BASIS FOR OBJECTION	POSITION OF OFFERING PARTY
1172				Exhibit 4 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V002.0000-1m4v)	Lane, Hendler	Y			
1173				Exhibit 5 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V002.0000-1m4v)	Lane, Hendler	Y			
1174	240	Hendler		Exhibit 6 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Beast Msm0250 Dstevens 8 15 Mx94 2 42 2315 2473 Projected2.0000.m4v)	Lane, Hendler	Y			
1175				Exhibit 7 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Beast Msm0250 Dstevens 8 15 Mx94 2 42 2315 2473 Litcam2.0000m4v)	Lane, Hendler	Y			
1176	241	Hendler		Exhibit 8 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V004.0000-1.m4v)	Lane, Hendler	Y			
1177				Exhibit 9 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V006.0000-1.m4v)	Lane, Hendler	Y			
1178				Exhibit 10 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V006.0000-1.m4v)	Lane, Hendler	Y			
1179	242	Hendler		Exhibit 11 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V007.0000-1.m4v)	Lane, Hendler	Y			
1180				Exhibit 12 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V008.0000-1.m4v)	Lane, Hendler	Y			
1181	243	Hendler		Exhibit 13 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V025.0000-1.m4v)	Lane, Hendler	Y			
1182				Exhibit 14 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 Anim Qc V00.0000.m4v)	Lane, Hendler	Y			

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1183				Exhibit 15 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V038.0000-1.m4v)	Lane, Hendler	Y			
1184				Exhibit 16 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V048.0000-1.m4v)	Lane, Hendler	Y			
1185				Exhibit 17 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V049.0000-1.m4v)	Lane, Hendler	Y			
1186				Exhibit 18 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Msm0250 V073.0000-1.m4v)	Lane, Hendler	Y			
1187	1213	Hendler		Exhibit 19 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (WAL0550_DMx_ALL.pdf)	Lane, Hendler	Y			
1188				Exhibit 20 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (WAL0550_ALL_no annotations)	Lane, Hendler	Y			
1189				Exhibit 21 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 Movapip 151202 Aligned.0000m4v)	Lane, Hendler	Y			
1190	1209	Hendler		Exhibit 22 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V003.0000.m4v)	Lane, Hendler	Y			
1191	1206	Hendler		Exhibit 23 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 Anim Movapip 0001.0000.m4v)	Lane, Hendler	Y			
1192	1207	Hendler		Exhibit 24 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V018.0000.m4v)	Lane, Hendler	Y			
1193	244	Hendler		Exhibit 25 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V049.0000.m4v)	Lane, Hendler	Y			

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1194	1208	Hendler		Exhibit 26 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V056.0000.m4v)	Lane, Hendler	Y			
1195	245	Hendler		Exhibit 27 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V056.0000.m4v)	Lane, Hendler	Y			
1196				Exhibit 28 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V072.0000.m4v)	Lane, Hendler	Y			
1197				Exhibit 29 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 Anim Qc V006.0000.m4v)	Lane, Hendler	Y			
1198				Exhibit 30 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V081.0000.m4v)	Lane, Hendler	Y			
1199				Exhibit 31 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V081.0000.m4v)	Lane, Hendler	Y			
1200	1210	Hendler		Exhibit 31 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V134.0000.m4v)	Lane, Hendler	Y			
1201				Exhibit 32 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V214.0000.m4v)	Lane, Hendler	Y			
1202	1211	Hendler		Exhibit 33 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 Cfx Beauty V037.0000.m4v)	Lane, Hendler	Y			
1203				Exhibit 34 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V306.0000.m4v)	Lane, Hendler	Y			
1204	1212	Hendler		Exhibit 35 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wal0550 V309.0000.m4v)	Lane, Hendler	Y			
1205				Exhibit 36 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (WFA605 DMX ALL)	Lane, Hendler	Y			

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1206				Exhibit 37 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (WFA605 DMX ALL no annotations Final Mov)	Lane, Hendler	Y			
1207	248	Hendler		Exhibit 38 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 Mov Pip 150811.0000.m4v)	Lane, Hendler	Y			
1208				Exhibit 39 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 Anim Qc V001.0000.m4v)	Lane, Hendler	Y			
1209				Exhibit 40 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V005.0000.m4v)	Lane, Hendler	Y			
1210				Exhibit 41 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V009.0000.m4v)	Lane, Hendler	Y			
1211				Exhibit 42 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 Anim Qc V007.0000.m4v)	Lane, Hendler	Y			
1212				Exhibit 43 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V050.0000.m4v)	Lane, Hendler	Y			
1213				Exhibit 44 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V057.0000.m4v)	Lane, Hendler	Y			
1214				Exhibit 45 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V076.0000m4fv)	Lane, Hendler	Y			
1215				Exhibit 46 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V083.0000.m4v)	Lane, Hendler	Y			
1216	246	Hendler		Exhibit 47 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V102.0000.m4v)	Lane, Hendler	Y			

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1217				Exhibit 48 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V130.0000.m4v)	Lane, Hendler	Y			
1218				Exhibit 49 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 Cfx Beauty V015.0000m4v)	Lane, Hendler	Y			
1219				Exhibit 50 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V137.0000.m4v)	Lane, Hendler	Y			
1220				Exhibit 51 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V144.0000.m4v)	Lane, Hendler	Y			
1221				Exhibit 52 to Declaration of Darren Hendler in Support of Defendants' Motion for Summary Judgment on Causal Nexus (Wfa0605 V146.0000.m4v)	Lane, Hendler	Y			
1222		Kershaw (Opening Report)	DIS-REARDEN-0008903	Field Marketing Screening Detailed Report	Kershaw, Taritero, Stankevich,	N	H	Offered for truth of matter.	This is a business record reflecting Defendant's market research regarding commercials for BATB. As such it falls within a hearsay exception. There is no genuine dispute about authenticity, foundation, or status as a business record. Nevertheless, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial. The document reflects Defendant's analysis of how audience members reacted to a screenings of the movie. It is relevant because it reflects what drew audiences to the movie. It therefore has a tendency to prove how profits should be apportioned to factors other than the infringement.
1223		Menache (Opening Report)	REARDEN_MOVA036857	File 27_Face demo.ma	Menache	Y			
1224	1184	LaSalle	REARDEN_MOVA028086	Gmail Calendar Invitation: Mova Discussion Feb 14, 2013	LaSalle, Pearce	Y			
1225		Kershaw (Opening Report)		Good Morning America, The cast of 'Beauty and the Beast' dish on the upcoming remake	Kershaw	Y			
1226		Kershaw (Opening Report)		IMAX, IMAX Presents: Beauty and the Beast	Kershaw	Y			

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1227		Kershaw (Opening Report)		Infegy Random Sample (Appendix 26)	Kershaw	N	H, 402, 403	Offered for truth of matter.	Columns W.X. Y. Z are hearsay, and Defendant would agree to remove them before presentation to the jury if Plaintiffs would agree to such modification. The other columns qualify under the business records exception to the hearsay rule because they are generated from a database that Infegy maintains in the regular course of its business, as explained by Kristie Kershaw in her rexpert report. Additionally the data extracted from the dataset is not being offered for the truth but to show what people were saying on social media when discussing <i>BATB</i> . The document is relevant to show what drew audiences to the movie and to rebut Rearden's claim that Mova was a topic of interest.
1228		Kershaw (Opening Report)		Infegy Search Results (Appendices 8 to 25)	Kershaw	N	H, 402, 403	Offered for truth of matter.	These documents qualify for the business records exception to the hearsay rule because they are generated from a database that Infegy maintains in the regular course of its business, as explained by Kristie Kershaw in her expert report. Additionally the data extracted from the datase is not being offered for the truth but to show what people were saying on social media when discussing <i>BATB</i> . The document is relevant to show what drew audiences to the movie and to rebut Rearden's claim that Mova was a topic of interest.
1229		LaSalle		IRS receipt for MO2 LLC	Perlman, LaSalle, levers	N	A, F, H, 402, 403	Not produced in discovery or used in deposition.	There is no requirement that a trial exhibit be used at deposition. LaSalle authenticated and laid foundation for the document at trial in <i>SHST</i> . The document is not being offered for the truth of any statement contained therein, but to show that MO2 was associated with LaSalle. The document is relevant to show LaSalle, and not Rearden, owned MO2.
1230		Kershaw (Opening Report)		Jimmy Kimmel Live, Emma Watson on Being Hit with Snowballs & Meeting Idol Celine Dion	Kershaw	Y			
1231		Kershaw (Opening Report)		Jimmy Kimmel Live, Luke Evans on Playing Gaston in Beauty and the Beast	Kershaw	Y			
1232	59	Pearce	WD-KP0000791	Job Description for Ken Pearce	Pearce, Perlman, LaSalle, levers	N	H, 402	Offered for truth of matter.	Defendant withdraws this exhibit.
1233	58	Pearce	WD-DD3-KP0007475	Ken Pearce Self Appraisal	Pearce, Perlman, levers,	N	H, 402	Offered for truth of matter.	Defendant withdraws this exhibit
1234	1168	Lauder	OL2_00006	Lauder Decl w/r/t Defs.' MSJ (3:15-cv-00797, Dkt. No. 44-1)	Lauder	N	H	Offered for truth of matter.	Mr. Lauder may be examined about the statements in a prior declaration under penalty of perjury in the event that he testifies live at trial in a manner that is inconsistent with this statement or if necessary to bolster his credibility pursuant to FRE 804(d)(1).
1235	90	LaSalle	WD-DD3-CP0004030	Letter from Joanna Capitano, FAO Duty Officer, U.K. Border Agency Control re: Beauty and the Beast - Mr. Gregory LaSalle	Taritero, LaSalle	Y			

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1236	262	Taritero	DIS-REARDEN-0028317	Letter from Vickie Cameron to Joseph Gabriel re: "TR2N" / Visual Effects Services	Taritero	N	A*, F*, H (*Rearden will withdraw A and F objections if Defendants proffer a foundation for this exhibit.)	Witness lacks foundation.	This is a contract for visual effects services on the film Tron 2. There is no genuine dispute about authenticity or foundation. The identified sponsoring witnesses have personal knowledge to authenticate and lay a foundation to admit this exhibit into evidence. However, to eliminate any issue and streamline the presentation of evidence, Defendant will also provide a declaration authenticating this document as a business record under FRE 803(6), 902(11) in advance of trial.
1237			OL2_00295	Letter of Intent to Purchase MOVA Property	Perlman, LaSalle, Lauder	N	A, F, H, 402	Unsigned draft. LaSalle lacks foundation. Offered for truth of matter.	As a draft contract, the Letter of Intent is a verbal act that is not hearsay. See <i>United States v. Yagi</i> , 2013 WL 10570994, at *21 (N.D. Cal. October 17, 2023) (contracts and contract offers are "verbal acts" and "not hearsay"); <i>Bezalel v. Innovative Operators, LLC</i> , No. 06-61673-CIV, 2008 WL 11331677, at *4 (S.D. Fla. July 2, 2008), aff'd, 347 F. App'x 449 (11th Cir. 2009) (unsigned contract non-hearsay). LaSalle has foundation to testify about MO2's purchase of the MOVA assets from OL2. The document is relevant to show OL2's sale fo the MOVA assets.
1238	1167	Lauder	REARDEN_MOVA019659	Membership Interest and Asset Purchase and Sale Agreement between MO2, LLC as the buyer and OL2, Inc. as the seller	Perlman, LaSalle, Lauder	Y			
1239			REARDEN_MOVA019637	MO2 LLC Articles of Organization	Perlman, Ievers, LaSalle	Y			
1240		Wunderlich (Opening Report)	REARDEN_MOVA228346	MOVA Agreement Gravity	Wunderlich, Perlman, LaSalle, Ievers	Y			
1241		Wunderlich (Opening Report)	REARDEN_MOVA204507	MOVA Agreement Jack the Giant Killer	Wunderlich, Perlman, LaSalle, Ievers	Y			
1242	1270	Fontaine	REARDEN_MOVA106413	MOVA Agreement John Carter of Mars	Taritero, Perlman, LaSalle, Ievers, Wunderlich, Russell	Y			
1243	1278	Fontaine	REARDEN_MOVA201340	MOVA Agreement Pirates of the Caribbean: On Stranger Tides	Taritero, Perlman, LaSalle, Ievers, Wunderlich, Russell	Y			
1244	1002	Perlman	REARDEN_MOVA036690	Mova Agreement The Hulk	Perlman, LaSalle, Ievers, Wunderlich, Russell	Y			
1245		Wunderlich (Opening Report)	REARDEN_MOVA228246	MOVA Agreement Transformers / DSOTM	Wunderlich, Perlman, LaSalle, Ievers,	Y			
1246	1279	Fontaine	REARDEN_MOVA224452	MOVA Agrement for Tron 2	Taritero, Perlman, LaSalle, Ievers, Wunderlich, Russell	Y			
1247		Wunderlich (Rebuttal Report)	DIS-REARDEN-0000044	MOVA Bid Avengers: Age of Ultron	Wunderlich, Taritero	Y			
1248	232	LaSalle		MOVA Bid BATB	Wunderlich, LaSalle	Y			
1249	LaSalle 231	Wunderlich (Opening Report)	WD-DD3-CP0003419	MOVA Bid BATB	Wunderlich, LaSalle	Y			

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1250		Wunderlich (Rebuttal Report)	REARDEN_MOVA168092	MOVA Bid Harry Potter 7	Wunderlich, Perlman, Ievers	Y			
1251	1326	Menache	WD-KP0000101	Mova Data Cleaning User Guide	Lane, Menache, Hendler, LaSalle, Pearce, Cotter	N	A, F, H, 402	Witnesses lack foundation. Offered for truth of matter.	This is a DD3 business record produced from Ken Pearce's files discussing how to clean and deliver the Mova tracked mesh. The document is also admissible as non-hearsay to show how people were instructed to clean the tracked mesh (whether or not the instructions are true), which is relevant to show Mova's limitations and other work required to use the Mova outputs.
1252	1296	Perlman	REARDEN_MOVA175256	MOVA Job History spreadsheet	Perlman, LaSalle	Y			
1253		Wunderlich (Rebuttal Report)	FOX-REARDEN-0002413	MOVA Payment Deadpool	Wunderlich, Taritero	Y			
1254		Wunderlich (Opening Report)	REARDEN_MOVA192340	MOVA Purchase Order Green Lantern	Wunderlich, Perlman, Ievers	Y			
1255		Wunderlich (Opening Report)	REARDEN_MOVA222373	MOVA Purchase Order Green Lantern	Wunderlich, Perlman, Ievers	Y			
1256		Wunderlich (Opening Report)	REARDEN_MOVA222377	MOVA Purchase Order Green Lantern	Wunderlich, Perlman, Ievers	Y			
1257		Wunderlich (Opening Report)	REARDEN_MOVA036831	MOVA Purchase Order Snow White and the Huntsman	Wunderlich, Perlman, LaSalle, Ievers	Y			
1258	93	LaSalle	DIS-REARDEN-0004821	Mova Rates 2016	Wunderlich, LaSalle, Ievers	Y			
1259		Wunderlich (Rebuttal Report)	REARDEN_MOVA036593	MOVA Rates Harry Potter 7	Wunderlich, Perlman, Ievers	N	A, F, H, 402	Not used in deposition	This document is relevant because it shows that Plaintiffs charged just \$12K/month for leaving the MOVA rig on set for Harry Potter, but Plaintiffs' actual damages expert, Ms. Ievers, assumes Plaintiffs would have charged \$7.5K/day to leave the MOVA rig on set for <i>BATB</i> . The document is a statement by Plaintiffs, and is Plaintiffs' own business record under FRE 803(6), both of which can be established through Ms. Ievers if necessary. Ms. Ievers responded to this exact document in her rebuttal expert report without questioning its authenticity, or the statements contained within it.
1260		Lane (Opening Report)	WD-DD3-GL0000024	MOVA Shot Detail	Lane, Munro, Hendler, LaSalle	Y			
1261			REARDEN_MOVA011610	Mova Source Code (as produced in 2019)	Lane, Menache, Perlman	N	106, 402, 403	Exhibited version is incomplete.	Because of sensitivities around source code, Defendant does not intend to introduce all of the source code for the Mova Contour program and assumes Plaintiffs would prefer that approach despite the FRE 106 objection. Instead, Defendant intends to introduce if necessary only the portion of the source code that is used to generate the copyright notice on certain output files, which was marked as Perlman Dep. Ex. 1302. However, if Rearden maintains its FRE 106 objection Defendant will introduce the entire source code as produced to Defendant in 2019, which was represented to be the complete code embodying registered copyrighted work. The source code is relevant to prove how the copyright notice is generated, to rebut Rearden's claim that the notice refers to the copyrighted work and that Defendant would have seen the notice. If the Court grants Defendant's Motion <i>In Limine</i> No. 7 to exclude the copyright notice Defendant will withdraw this exhibit.

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1262	1276	Fontaine	REARDEN_MOVA127512	MOVA Update June 14, 2010	Fontaine, Pearce, LaSalle	Y			
1263			REARDEN_MOVA009704	MOVA, LLC Statement of Information (May 2012)	Perlman, levers	Y			
1264	1292	Perlman		Mova, LLC's Articles of Organization of a Limited Liability Company	Perlman, levers	Y			
1265	1290	Perlman		MOVA, LLC's Articles of Organization of a Limited Liability Company	Perlman, levers	Y			
1266			REARDEN_MOVA019656	Notice of Employer Identification Number for MO2, LLC	LaSalle	Y			
1267	1266	Fontaine	REARDEN_MOVA213263	OnLive Organizational Chart	Perlman, LaSalle, Fontaine	Y			
1268	1317	levers		Oscars.org, Academy of Motion Picture Arts and Sciences, The 87th Scientific & Technical Awards 2014-2015	Perlman, levers	Y			
1269			REARDEN_MOVA011716	Patent Assignment Cover Sheet for Assignment for assignment from MO2, LLC	Perlman, LaSalle, Lauder	Y			
1270			REARDEN_MOVA012171	Patent Assignment Cover Sheet for Assignment from OL2, Inc. to MO2, LLC	Perlman, LaSalle, Lauder, levers,	Y			
1271			REARDEN_MOVA012494	Patent Assignment from MO2, LLC t to Rearden MOVA, LLC	Perlman, LaSalle, Lauder	Y			
1272			REARDEN_MOVA019690	Patent assignment from OL2, Inc. to MO2, LLC	Perlman, LaSalle, Lauder, levers,	Y			
1273	1303	Perlman	REARDEN_MOVA012494	Patent assignment packet for the assignment of Patent No. 8194093	Perlman, levers	Y			
1274	1285	Perlman	REARDEN_MOVA016889	pCell Wireless Reinvented, An Introduction to pCell	Perlman, Van der Laan, Cotter, levers	Y			
1275				Perlman Decl ISO Defs.' MSJ (3:15-cv-00797, Dkt. No. 35-1)	Perlman	Y	Objection withdrawn		A sworn declaration by Plaintiff Rearden LLC's Chief Executive Officer is not hearsay; it is a statement of a party opponent. FRE 801(d)(2); <i>Medical Sales & Consulting Group v. Plus Orthopedics USA, Inc.</i> , 2011 WL 1898600, *5 (S.D. Cal. May 19, 2011) ("any statements by [party's] President and CEO ... are admissions by a part opponent and not hearsay under Federal Rule of Evidence 801(d)(2)").
1276	1304	Perlman		Perlman Decl. ISO Defs.' Mot. for Relief from Magistrate Order (3:15-cv-00797, Dkt. No. 122-04)	Perlman	Y	Objection withdrawn		A sworn declaration by Plaintiff Rearden LLC's Chief Executive Officer is not hearsay; it is a statement of a party opponent. FRE 801(d)(2); <i>Medical Sales & Consulting Group v. Plus Orthopedics USA, Inc.</i> , 2011 WL 1898600, *5 (S.D. Cal. May 19, 2011) ("any statements by [party's] President and CEO ... are admissions by a part opponent and not hearsay under Federal Rule of Evidence 801(d)(2)").
1277	1252	Cotter	REARDEN_MOVA005034	Perlman Letter to Sci-Tech Council re: Appeal of Award	Perlman	Y			
1278		Lane (Opening Report)	REARDEN_MOVA040924	Photo of MOVA rig	Lane, Perlman	Y			
1279		Lane (Opening Report)	REARDEN_MOVA193523	Photo of MOVA rig	Lane, Perlman	Y			
1280		Lane (Opening Report)	REARDEN_MOVA195913	Photo of MOVA rig	Lane, Perlman	Y			

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1281		Wunderlich (Opening Report)		Plaintiffs' Responses to RFA Nos. 1-9	Wunderlich, Perlman, levers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' responses to RFA Nos. 1-9 are relevant to both liability and damages issues.
1282		Wunderlich (Opening Report)		Plaintiffs' Responses to RFA Nos. 10-12	Wunderlich, Perlman, levers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' responses to RFA Nos. 10-12 are relevant to liability issues.
1283		Wunderlich (Opening Report)		Plaintiffs' Responses to RFA Nos. 13-14	Wunderlich, Perlman, levers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' responses to RFA Nos. 13-14 are relevant to liability issues.
1284	1269	Fontaine		Plaintiffs' Responses to ROG Nos. 1-2, 7-12	Wunderlich, Perlman, levers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' responses to ROG Nos. 1-2, 7-12 are relevant to both liability and damages issues.
1285				Plaintiffs' Responses to ROG Nos. 3-6	Wunderlich, Perlman, ievers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' responses to ROG Nos. 3-6 are relevant to both liability and damages issues.
1286		Wunderlich (Opening Report)		Plaintiffs' Responses to ROG No. 13	Wunderlich, Perlman, levers, Cotter, van der Laan	N	H, 402	Discovery response documents are hearsay and not admissible; only the responses are admissible.	Plaintiffs' own discovery responses are not hearsay; they are statements of a party opponent. FRE 801(d)(2); <i>McClaren Automotive Inc. v. Shaoo</i> , 2021 WL 4707001, at * 3 (C.D. Cal. June 1, 2021) ("Defendant's signed discovery responses are not hearsay."). Plaintiffs' response to ROG No. 13 is relevant to both liability and damages issues.
1287		Menache		Polar Express conductor	Menache, Lane	Y			
1288	214	Mayer	DIS-REARDEN-0015438	Presentation Regarding OnLive	Perlman, Taritero	Y			
1289				Rearden Inc. Statement of Information	Perlman, levers	Y			
1290			REARDEN_MOVA001662	Rearden LLC Amended & Restated Operating Agreement	Perlman, levers	Y			
1291			REARDEN_MOVA023114	Rearden LLC Statement of Information (April 2014)	Perlman, levers	Y			
1292			REARDEN_MOVA023115	Rearden LLC Statement of Information (August 2014)	Perlman, levers	Y			
1293	1004	levers	REARDEN_MOVA001686	Rearden LLC's Articles of Organization	Perlman, levers	Y			
1294			REARDEN_MOVA023117	Rearden MOVA LLC Articles of Organization	Perlman, levers	Y			

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1295				Rearden MOVA LLC Statement of Information (April 2022)	Perlman, levers	Y			
1296			REARDEN_MOVA023119	Rearden MOVA LLC Statement of Information (August 2014)	Perlman, levers	Y			
1297			REARDEN_MOVA023120	Rearden MOVA LLC Statement of Information (February 2015)		Y			
1298				Rearden Sales, LLC Articles of Organization	Perlman, levers	Y			
1299				Rearden Studios, Inc. Articles of Incorporation	Perlman, levers	Y			
1300	1005	levers		Rearden Studios, LLC's Articles of Organization	Perlman, levers	Y			
1301			REARDEN-CONDON-0001027	Review of BATB (Cinema Blend)	Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. <i>See United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1302	1029	Tinwell		Review of BATB (Collider)	Tinwell; Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. <i>See United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1303	1028	Tinwell		Review of BATB (Kansas City Star)	Tinwell; Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1304			REARDEN-CONDON-0001035	Review of BATB (The Hollywood Reporter)	Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1305	1031	Tinwell		Review of BATB (The Playlist)	Tinwell; Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1306	1030	Tinwell		Review of BATB (TheFilmStage.com)	Tinwell; Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1307			REARDEN-CONDON-0001042	Review of BATB (Vulture)	Kershaw	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1308	1033	Tinwell		Review of Tron 2 (Vulture)	Tinwell;	N	H, 402	Subject to reciprocal agreement on authenticity and foundation. Offered for truth of matter	This is a published review of <i>BATB</i> . It is not hearsay because it is not being offered to prove the truth of any matter asserted therein; a critic's expression of opinion regarding a movie is not capable of being proven true or false and it is irrelevant whether the critic's statements are true or false. See <i>United States v. Fernandez</i> , 172 F. Supp. 2d 1265, 1275-76 (C.D. Cal. 2001) (statement that is not capable of being proven true or false, and that is relevant regardless of whether it is true or false, is not hearsay). The review is being offered to show what critics were saying and what audiences were hearing (i.e., effect on listener) about the movie, which is in turn relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1309				RS Air LLC Statement of Information	Perlman, levers	Y			
1310				RS Air LLC Application for Registration	Perlman, levers	Y			

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1311	1017	Tinwell		Screenshot from Tinwell Ex. 1016	Hendler, LaSalle, Tinwell, Lane	Y			
1312	1323	Menache		Screenshot of the video clip in Ex. 1016 (Tinwell), at 38 seconds showing the tracked mesh	Lane, Menache, Tinwell, Hendler	Y			
1313			DE-DD3-0001224	Shot versions of SMT0010	Lane, Hendler; Munro, Gayle	Y			
1314			DE-DD3-0001235	Shot versions of SMT0020	Lane, Hendler; Munro, Gayle	Y			
1315			DE-DD3-0001241	Shot versions of SMT0030	Lane, Hendler; Munro, Gayle	Y			
1316			DE-DD3-0001242	Shot versions of SMT0040	Lane, Hendler; Munro, Gayle	Y			
1317			DE-DD3-0001248	Shot versions of SMT0050	Lane, Hendler; Munro, Gayle	Y			
1318			DE-DD3-0001255	Shot versions of SMT0060	Lane, Hendler; Munro, Gayle	Y			
1319			DE-DD3-0001260	Shot versions of SMT0100	Lane, Hendler; Munro, Gayle	Y			
1320			DE-DD3-0001271	Shot versions of SMT0110	Lane, Hendler; Munro, Gayle	Y			
1321			DE-DD3-0001272	Shot versions of SMT0120	Lane, Hendler; Munro, Gayle	Y			
1322			DE-DD3-0001276	Shot versions of SMT0137	Lane, Hendler; Munro, Gayle	Y			
1323			DE-DD3-0001277	Shot versions of SMT0140	Lane, Hendler; Munro, Gayle	Y			
1324			DE-DD3-0001282	Shot versions of SMT0150	Lane, Hendler; Munro, Gayle	Y			
1325			DE-DD3-0001283	Shot versions of SMT0160	Lane, Hendler; Munro, Gayle	Y			
1326			DE-DD3-0001284	Shot versions of SMT0170	Lane, Hendler; Munro, Gayle	Y			
1327	1204	Hendler	DE-DD3-0001297	Shot versions of SMT0180	Lane, Hendler	Y			
1328			DE-DD3-0001306	Shot versions of SMT0190	Lane, Hendler; Munro, Gayle	Y			
1329			DE-DD3-0001308	Shot versions of SMT0200	Lane, Hendler; Munro, Gayle	Y			
1330			DE-DD3-0001322	Shot versions of SMT0210	Lane, Hendler; Munro, Gayle	Y			
1331			DE-DD3-0001323	Shot versions of SMT0220	Lane, Hendler; Munro, Gayle	Y			
1332			DE-DD3-0001326	Shot versions of SMT0230	Lane, Hendler; Munro, Gayle	Y			
1333			DE-DD3-0001327	Shot versions of SMT0240	Lane, Hendler; Munro, Gayle	Y			
1334			DE-DD3-0001331	Shot versions of SMT0250	Lane, Hendler; Munro, Gayle	Y			

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1335			DE-DD3-0001337	Shot versions of SMT0260	Lane, Hendler; Munro, Gayle	Y			
1336			DE-DD3-0001340	Shot versions of SMT0270	Lane, Hendler; Munro, Gayle	Y			
1337			DE-DD3-0001341	Shot versions of SMT0280	Lane, Hendler; Munro, Gayle	Y			
1338			DE-DD3-0001342	Shot versions of SMT0290	Lane, Hendler; Munro, Gayle	Y			
1339			DE-DD3-0001346	Shot versions of SMT0300	Lane, Hendler; Munro, Gayle	Y			
1340			DE-DD3-0001351	Shot versions of SMT0310	Lane, Hendler; Munro, Gayle	Y			
1341			DE-DD3-0001354	Shot versions of SMT0320	Lane, Hendler; Munro, Gayle	Y			
1342			DE-DD3-0001362	Shot versions of SMT0330	Lane, Hendler; Munro, Gayle	Y			
1343			DE-DD3-0001366	Shot versions of SMT0340	Lane, Hendler; Munro, Gayle	Y			
1344			DE-DD3-0001369	Shot versions of SMT0350	Lane, Hendler; Munro, Gayle	Y			
1345			DE-DD3-0001373	Shot versions of SMT0360	Lane, Hendler; Munro, Gayle	Y			
1346			DE-DD3-0001377	Shot versions of SMT0370	Lane, Hendler; Munro, Gayle	Y			
1347			DE-DD3-0001383	Shot versions of SMT0380	Lane, Hendler; Munro, Gayle	Y			
1348			DE-DD3-0001387	Shot versions of SMT0405	Lane, Hendler; Munro, Gayle	Y			
1349			DE-DD3-0001391	Shot versions of SMT0410	Lane, Hendler; Munro, Gayle	Y			
1350			DE-DD3-0001395	Shot versions of SMT0415	Lane, Hendler; Munro, Gayle	Y			
1351			DE-DD3-0001397	Shot versions of SMT0418	Lane, Hendler; Munro, Gayle	Y			
1352			DE-DD3-0001404	Shot versions of SMT0425	Lane, Hendler; Munro, Gayle	Y			
1353			DE-DD3-0001405	Shot versions of SMT0430	Lane, Hendler; Munro, Gayle	Y			
1354			DE-DD3-0001411	Shot versions of SMT0433	Lane, Hendler; Munro, Gayle	Y			
1355			DE-DD3-0001412	Shot versions of SMT0435	Lane, Hendler; Munro, Gayle	Y			
1356			DE-DD3-0001415	Shot versions of SMT0437	Lane, Hendler; Munro, Gayle	Y			
1357			DE-DD3-0001417	Shot versions of SMT0450	Lane, Hendler; Munro, Gayle	Y			
1358			DE-DD3-0001422	Shot versions of SMT0455	Lane, Hendler; Munro, Gayle	Y			

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1359			DE-DD3-0001425	Shot versions of SMT0460	Lane, Hendler; Munro, Gayle	Y			
1360			DE-DD3-0001431	Shot versions of SMT0463	Lane, Hendler; Munro, Gayle	Y			
1361			DE-DD3-0001433	Shot versions of SMT0466	Lane, Hendler; Munro, Gayle	Y			
1362			DE-DD3-0001438	Shot versions of SMT0467	Lane, Hendler; Munro, Gayle	Y			
1363			DE-DD3-0001440	Shot versions of SMT0470	Lane, Hendler; Munro, Gayle	Y			
1364			DE-DD3-0001445	Shot versions of SMT0473	Lane, Hendler; Munro, Gayle	Y			
1365			DE-DD3-0001446	Shot versions of SMT0475	Lane, Hendler; Munro, Gayle	Y			
1366			DE-DD3-0001453	Shot versions of SMT0480	Lane, Hendler; Munro, Gayle	Y			
1367			DE-DD3-0001459	Shot versions of SMT0483	Lane, Hendler; Munro, Gayle	Y			
1368			DE-DD3-0001463	Shot versions of SMT0485	Lane, Hendler; Munro, Gayle	Y			
1369			DE-DD3-0001470	Shot versions of SMT0487	Lane, Hendler; Munro, Gayle	Y			
1370			DE-DD3-0001475	Shot versions of SMT0490	Lane, Hendler; Munro, Gayle	Y			
1371			DE-DD3-0001477	Shot versions of SMT0500	Lane, Hendler; Munro, Gayle	Y			
1372			DE-DD3-0001478	Shot versions of SMT0510	Lane, Hendler; Munro, Gayle	Y			
1373			DE-DD3-0001482	Shot versions of SMT0520	Lane, Hendler; Munro, Gayle	Y			
1374			DE-DD3-0001483	Shot versions of SMT0530	Lane, Hendler; Munro, Gayle	Y			
1375			DE-DD3-0001484	Shot versions of SMT0540	Lane, Hendler; Munro, Gayle	Y			
1376			DE-DD3-0001490	Shot versions of SMT0560	Lane, Hendler; Munro, Gayle	Y			
1377			DE-DD3-0001495	Shot versions of SMT0570	Lane, Hendler; Munro, Gayle	Y			
1378			DE-DD3-0001501	Shot versions of SMT0680	Lane, Hendler; Munro, Gayle	Y			
1379	1331	Menache		Shot versions of SMT410_v10	Lane, Hendler, Menache	Y			
1380	1332	Menache		Shot versions of SMT410_v14	Lane, Hendler, Menache	Y			
1381	1187	Hendler	DE-DD3-0001506	Shot versions of SMT7010	Lane, Hendler	Y			
1382	1188	Hendler	DE-DD3-0001511	Shot versions of SMT7015	Lane, Hendler	Y			
1383	1189	Hendler	DE-DD3-0001517	Shot versions of SMT7020	Lane, Hendler	Y			
1384	1190	Hendler	DE-DD3-0001520	Shot versions of SMT7030	Lane, Hendler	Y			

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1385	1191	Hendler	DE-DD3-0001524	Shot versions of SMT7035	Lane, Hendler	Y			
1386	1192	Hendler	DE-DD3-0001529	Shot versions of SMT7040	Lane, Hendler	Y			
1387	1193	Hendler	DE-DD3-0001533	Shot versions of SMT7045	Lane, Hendler	Y			
1388	1194	Hendler	DE-DD3-0001538	Shot versions of SMT7050	Lane, Hendler	Y			
1389	1195	Hendler	DE-DD3-0001542	Shot versions of SMT7060	Lane, Hendler	Y			
1390	1196	Hendler	DE-DD3-0001545	Shot versions of SMT7065	Lane, Hendler	Y			
1391	1197	Hendler	DE-DD3-0001550	Shot versions of SMT7068	Lane, Hendler	Y			
1392	1198	Hendler	DE-DD3-0001553	Shot versions of SMT7070	Lane, Hendler	Y			
1393	1199	Hendler	DE-DD3-0001556	Shot versions of SMT7073	Lane, Hendler	Y			
1394	1200	Hendler	DE-DD3-0001559	Shot versions of SMT7075	Lane, Hendler	Y			
1395	1201	Hendler	DE-DD3-0001562	Shot versions of SMT7078	Lane, Hendler	Y			
1396	1202	Hendler	DE-DD3-0001566	Shot versions of SMT7085	Lane, Hendler	Y			
1397	1203	Hendler	DE-DD3-0001573	Shot versions of SMT7090	Lane, Hendler	Y			
1398			DE-DD3-0001574	Shot versions of SMT9999	Lane, Hendler; Munro, Gayle	Y			
1399			DE-DD3-0001575	Shot versions of SPD0010	Lane, Hendler; Munro, Gayle	Y			
1400			DE-DD3-0001580	Shot versions of SPD0020	Lane, Hendler; Munro, Gayle	Y			
1401			DE-DD3-0001586	Shot versions of SPD0030	Lane, Hendler; Munro, Gayle	Y			
1402			DE-DD3-0001592	Shot versions of SPD0160	Lane, Hendler; Munro, Gayle	Y			
1403			DE-DD3-0001598	Shot versions of SPD0170	Lane, Hendler; Munro, Gayle	Y			
1404	1216	Hendler	DE-DD3-0001603	Shot versions of SPD0190	Lane, Hendler	Y			
1405	1217	Hendler	DE-DD3-0001613	Shot versions of SPD0210	Lane, Hendler	Y			
1406	1218	Hendler	DE-DD3-0001619	Shot versions of SPD0230	Lane, Hendler	Y			
1407	1219	Hendler	DE-DD3-0001626	Shot versions of SPD0250	Lane, Hendler	Y			
1408	1220	Hendler	DE-DD3-0001638	Shot versions of SPD0270	Lane, Hendler	Y			
1409	1214	Hendler	DE-DD3-0001643	Shot versions of SPD0290	Lane, Hendler	Y			
1410		Hendler		SHST Motion to Modify Preliminary Injunction	Hendler, LaSalle	N	H, 402, 403	Motion is not admissible.	DD3's motion to modify the preliminary injunction in the SHST litigation is not being offered for the truth of any statement asserted therein; it is being offered to establish that as of June 27, 2016, DD3 was contesting the preliminary injunction. It is relevant to liability. Consistent with Defendant's MIL No. 1, Defendant respectfully requests permission of the Court to modify this exhibit by redacting any information that identifies this Court.
1411	280	Munro	DE-DD3-0000544	Spreadhseet AllBeastTasks	Lane, Hendler, Munro	Y			
1412	1272	Fontaine	REARDEN_MOVA049848	Spreadsheet labeled "Mova_Financials_Apr_&_May11.xlsx"	Perlman, levers, Fontaine	N	106, H	Omits cover email and one of the attachments. Offered for truth of matter.	This spreadsheet was a standalone deposition exhibit. There is no reason to include the cover email or other attachment, but Defendant has no opposition to doing so. The document is a statement by Plaintiffs, and Plaintiffs' own business record, both of which can be established through Mr. Perlman or Ms. levers if necessary.
1413	275	Munro	DE-DD3-0000536	Spreadsheet reflecting data exported from DD3 Shotgaun database for Non-MOVA tasks	Munro, Hendler, Lane	Y			

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1414	276	Munro	DE-DD3-0000537	Spreadsheet reflecting data exported from DD3 Shotgun database for MOVA-related tasks	Munro, Hendler, Lane	Y			
1415		Wunderlich (Rebuttal Report)	DIS-REARDEN-0034993	Spreadsheet titled, "Beauty & The Beast - Consumer Products"	Wunderlich, Taritero, Eggebrecht	Y			
1416		Menache (Rebuttal Report)	REARDEN-LANE0000040	Spreadsheet: All Beast Shot Durations	Lane, Munro, Menache	Y			
1417		Menache (Rebuttal Report)	REARDEN-LANE0000010	Spreadsheet: Beast Shot Durations	Lane, Munro, Hendler	Y			
1418				Statement of Information for Original MO2, LLC	Perlman, Ievers	Y			
1419				Statement of No Change for Original MO2, LLC	Perlman, Ievers	Y			
1420		Russell (Opening Report)	REARDEN_MOVA202479	Template MOVA Agreement	Russell, Perlman, Ievers,	Y			
1421		Kershaw (Opening Report)		The Late Late Show with James Corden, Crosswalk the Musical: Beauty and the Beast	Kershaw	Y			
1422		Kershaw (Opening Report)		The Tonight Show Starring Jimmy Fallon, Josh Gad's Beauty and the Beast Horse Almost Ran Over Hermione	Kershaw	Y			
1423	1178	LaSalle		The Walt Disney Company, Fiscal Year 2014 Annual Financial Report and Shareholder Letter	LaSalle	Y			
1424		Wunderlich (Opening Report)		The Walt Disney Company, Fiscal Year 2022 Annual Financial Report	Wunderlich, Taritero	Y			
1425		Fier (Rebuttal Report)	DIS-REARDEN-0034992	The Walt Disney Studios Review of Net Realizable Value (One Sheet) For Fiscal Year 2023 Q1 Close	Wunderlich, Taritero, Eggebrecht	Y			
1426		Kershaw (Opening Report)		The EllenShow, Emma Watson Talks 'Beauty and the Beast' and Her First Movie Premiere	Kershaw	Y			
1427		Wunderlich (Rebuttal Report)	REARDEN-FEINSILBER-0010853	Travel costs for BATB MOVA	Wunderlich, Taritero, Ievers	Y			
1428			DIS-REARDEN-0000306	U.S. TV Spot "About a Girl"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1429			DIS-REARDEN-0000283	U.S. TV Spot "Bachelor Promo"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1430			DIS-REARDEN-0000316	U.S. TV Spot "Ballroom Review 30"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1431			DIS-REARDEN-0000290	U.S. TV Spot "Ballroom Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1432			DIS-REARDEN-0000295	U.S. TV Spot "Be Our Guest Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1433			DIS-REARDEN-0000301	U.S. TV Spot "Belle"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1434			DIS-REARDEN-0000325	U.S. TV Spot "Charming Beast Kids"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1435			DIS-REARDEN-0000298	U.S. TV Spot "Cheer #1"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1436			DIS-REARDEN-0000302	U.S. TV Spot "Curse"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1437			DIS-REARDEN-0000299	U.S. TV Spot "Dinner"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1438			DIS-REARDEN-0000287	U.S. TV Spot "Discovery"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1439			DIS-REARDEN-0000292	U.S. TV Spot "Discovery"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1440			DIS-REARDEN-0000294	U.S. TV Spot "Discovery"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1441			DIS-REARDEN-0000310	U.S. TV Spot "Every Moment"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1442			DIS-REARDEN-0000284	U.S. TV Spot "Fearless"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1443			DIS-REARDEN-0000327	U.S. TV Spot "Fearless"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1444			DIS-REARDEN-0000318	U.S. TV Spot "Guest Review Kids"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1445			DIS-REARDEN-0000314	U.S. TV Spot "Guest Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1446			DIS-REARDEN-0000289	U.S. TV Spot "Hello Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1447			DIS-REARDEN-0000300	U.S. TV Spot "Hello"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1448			DIS-REARDEN-0000308	U.S. TV Spot "Hope Fri."	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1449			DIS-REARDEN-0000307	U.S. TV Spot "Hope"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1450			DIS-REARDEN-0000315	U.S. TV Spot "Invite Review Kids"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1451			DIS-REARDEN-0000288	U.S. TV Spot "Invited Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1452			DIS-REARDEN-0000319	U.S. TV Spot "Magnificent Review 30H"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1453			DIS-REARDEN-0000296	U.S. TV Spot "Magnificent Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1454			DIS-REARDEN-0000309	U.S. TV Spot "Not Afraid Rev."	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1455			DIS-REARDEN-0000317	U.S. TV Spot "Not Afraid Rev."	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1456			DIS-REARDEN-0000305	U.S. TV Spot "Not Afraid"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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2023-10-20 Defendant's Exhibit List, Plaintiffs' Objections, and Defendants' Position Statements

TRIAL EXHIBIT NO.	DEPO EXHIBIT NO.	DEPOSITION TRANSCRIPT	EXHIBIT BATES NO. OR IDENTIFICATION	DESCRIPTION	SPONSORING WITNESS	STIPULATED ADMISSIBILITY* (Y/N)	OBJECTION CODE	BASIS FOR OBJECTION	POSITION OF OFFERING PARTY
1457			DIS-REARDEN-0000320	U.S. TV Spot "Portrait"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1458			DIS-REARDEN-0000312	U.S. TV Spot "Prepare"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1459			DIS-REARDEN-0000304	U.S. TV Spot "Secrets"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1460			DIS-REARDEN-0000313	U.S. TV Spot "Sing"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1461			DIS-REARDEN-0000322	U.S. TV Spot "Tale Kids	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1462			DIS-REARDEN-0000321	U.S. TV Spot "Tale"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1463			DIS-REARDEN-0000285	U.S. TV Spot "Tale"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1464			DIS-REARDEN-0000303	U.S. TV Spot "Tale"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1465			DIS-REARDEN-0000297	U.S. TV Spot "Time is Up Review"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1466			DIS-REARDEN-0000311	U.S. TV Spot "Time Is Up"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1467			DIS-REARDEN-0000286	U.S. TV Spot "Uncover The Mystery"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1468			DIS-REARDEN-0000324	U.S. TV Spot "Welcome Belle Kids"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).

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1469			DIS-REARDEN-0000291	U.S. TV Spot "Wonderful"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1470			DIS-REARDEN-0000293	U.S. TV Spot "Wonderful"	Kershaw, Taritero, Stankevich	N	A, F, 402	No foundation that these ads were ever run.	This is a T.V. commercial for <i>BATB</i> . There is no genuine dispute about authenticity or foundation. Nevertheless, to eliminate any issue, Defendant represented to Plaintiffs at an October 13, 2023 meet and confer that it would provide a declaration authenticating and laying a foundation in advance of trial. The marketing of <i>BATB</i> is relevant to apportionment to show that factors other than the alleged infringement drove audience interest in, and thus profits from, the 2017 live-action movie. The portion of profits attributable to factors other than the alleged infringement is an element of damages on which Defendant bears the burden. 17 U.S.C. § 504(b).
1471		Lane (Opening Report)	REARDEN-FEINSILBER-0009965	Updated MOVA schedule spreadsheet	Lane, Taritero, Steele	Y			
1472	1170	LaSalle	REARDEN-FEINSILBER-0007766	VFX Agreement BATB (Chip)	Taritero, LaSalle, Hendler, Wunderlich, Russell	Y			
1473		Hendler	DIS-REARDEN-0000104	VFX Agreement BATB (Extinction)	Hendler, Taritero	Y			
1474		Wunderlich (Rebuttal Report)	FOX-REARDEN-0000003	VFX Agreement Fantastic Four	Wunderlich, Taritero, Wunderlich	Y			
1475		Wunderlich (Opening Report)	REARDEN_MOVA203242	VFX Agreement Fiona's Tale	Wunderlich, Perlman, LaSalle, Ievers	Y			
1476		Wunderlich (Rebuttal Report)	DIS-REARDEN-0000019	VFX Agreement Guardians of the Galaxy	Wunderlich, Taritero	Y			
1477		Wunderlich (Rebuttal Report)	REARDEN_MOVA036569	VFX Agreement Harry Potter 7	Wunderlich, Perlman, Ievers, LaSalle	Y			
1478	263	Taritero	DIS-REARDEN-0028382	VFX Agreement John Carter of Mars	Wunderlich, Taritero	Y			
1479	265	Taritero	DIS-REARDEN-0028353	VFX Agreement Marvel's The Avengers	Taritero	Y			
1480		Wunderlich (Opening Report)	DIS-REARDEN-0028299	VFX Agreement On Stranger Tides	Wunderlich, Taritero, Y	Y			
1481		Wunderlich (Opening Report)	REARDEN_MOVA036542	VFX Agreement Percy Jackson	Wunderlich, Taritero, Perlman, Ievers, Wunderlich	Y			
1482		Wunderlich (Rebuttal Report)	SKY-REARDEN-0000001	VFX Agreement Terminator Genysys	Wunderlich	Y			

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1483		Wunderlich (Opening Report)	DIS-REARDEN-0028289	VFX Agreement The Avengers	Wunderlich, Taritero, Perlman, LaSalle, levers, Wunderlich, Russell	Y			
1484		Wunderlich (Opening Report)	DIS-REARDEN-0033043	VFX Agreement Tron 2	Wunderlich, Taritero	Y			
1485	1251	Cotter		Video of MOVA SciTech Academy Award	Perlman, LaSalle	Y			
1486		Kershaw (Opening Report)		Walt Disney Studios, Beauty and the Beast - US Official Final Trailer	Kershaw, Stankevich	Y			
1487		Kershaw (Opening Report)		Walt Disney Studios, Beauty and the Beast Official US Teaser Trailer	Kershaw, Stankevich	Y			
1488		Kershaw (Opening Report)		Walt Disney Studios, Beauty and the Beast US Official Trailer	Kershaw, Stankevich	Y			
1489		Kershaw (Surrebuttall Report)		Walt Disney Studios, Disney's Beauty and the Beast - Golden Globes TV Spot	Kershaw, Stankevich	Y			
1490	289	Watson	DIS-REARDEN-0022932	Watson acting services agreement	Wunderlich, Taritero	Y			
1491		Wunderlich (Opening Report)	DIS-REARDEN-0034989	Participation Statement (through 9/30/2022)	Wunderlich, Taritero, Eggebrecht	Y			
1492				Still Image of Mova Rig	Perlman, Lane, LaSalle	Y			

*Rearden's willingness to stipulate to admissibility is limited to admissibility with the sponsoring witness(es) identified and not for all purposes. Rearden reserves all objections to the use of any exhibit with a witness not identified by Defendant as the “sponsoring witness” for a particular exhibit.